

# EXHIBIT B.31

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE SOUTHERN DISTRICT OF NEW YORK  
 3  
 4 MARK I. SOKOLOW, et al.,  
 5 Plaintiffs,  
 6 v. Civil Action No.  
 7 THE PALESTINE LIBERATION 04cv397(GBD)(RLE)  
 8 ORGANIZATION, et al.,  
 9 Defendants.

14 DEPOSITION OF ISRAEL SHRENZEL

15 JERUSALEM, ISRAEL

16 OCTOBER 23, 2013

25 REPORTED BY: AMY R. KATZ, RPR

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1 APPEARANCES (Continued):  
 2 ALSO PRESENT:  
 3 RINA NE'EMAN, Official Hebrew Interpreter  
 4 RUCHIE AVITAL, Check Hebrew Interpreter  
 5 RACHEL WEISER, Esq.  
 6 DINA ROVNER, Advocate  
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1 Deposition of ISRAEL SHRENZEL, taken in  
 2 the above-entitled cause pending in the United States  
 3 District Court, for the Southern District of New York,  
 4 pursuant to notice, before AMY R. KATZ, RPR, at the  
 5 American Colony Hotel, Executive Room, First Floor,  
 6 Jerusalem, Israel, on Wednesday, the 23rd day of  
 7 October, 2013, at 9:41 a.m.

10 APPEARANCES:

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1 I N D E X

2 WITNESS

3 Israel Shrenzel

5 EXAMINATION  
 6 By Mr. Satin

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11 D E F E N D A N T S ' E X H I B I T S

12 NUMBER	13 DESCRIPTION	14 MARKED
13 Exhibit 428	14 Hebrew Website Article, MEMRI, Dated August 25, 2003 (No Bates Number)	61
15 Exhibit 429	16 Arabic Newspaper Article, Al-Quds, Al-Arabi, Volume 12, Issue 3460, Monday 26, June 2000 (Unclear Bates Number)	74
17 Exhibit 430	18 Website Article, Israel Ministry of Foreign Affairs, Entitled "Marwan Barghouti Indictment - Appendix - Terrorist Attacks and Activities Carried Out by the Field Commanders and Activists," Dated August 14, 2002 (No Bates Number)	88
22 Exhibit 431	23 Arabic Document, Palestinian National Authority, Ministry of Detainees Affairs (No Bates Number)	121
24 Exhibit 432	25 Hebrew Document (No Bates Number)	125

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<u>DEFENDANTS' EXHIBITS</u>		
NUMBER	DESCRIPTION	MARKED
Exhibit 433	Arabic Document, Palestinian National Authority, Preventive Security H.Q., Ramallah Directorate (Bates P 8: 176)	127
Exhibit 434	Hebrew Document (No Bates Number)	132
Exhibit 435	Article, Israel Ministry of Foreign Affairs, Entitled "Operation for the Confiscation of Terror Funds - Background," Dated February 26, 2004 (No Bates Number)	138
Exhibit 436	Excerpt Document Entitled "9/11 and the Search for a Policy" (No Bates Number)	147

<u>DEFENDANTS' EXHIBITS</u>		
NUMBER	DESCRIPTION	INITIAL REFERENCE
Exhibit 422	Document Entitled "Expert Report of Israel Shrenzel in Sokolow v. Palestinian Authority, Case No. 04-397 (S.D.N.Y.)," Dated April 10, 2013 (No Bates Number)	18

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PROCEEDINGS

RINA NE'EMAN,

the Official Hebrew Interpreter, was

duly affirmed to translate from English

to Hebrew and from Hebrew to English.

ISRAEL SHRENZEL,

called as a witness, being first duly

affirmed, was examined and testified

as hereinafter set forth.

(The following section of the proceedings was

conducted through the Official Hebrew Interpreter,

unless otherwise indicated, and until page 64.)

EXAMINATION

BY MR. SATIN:

Q. First, Mr. Shrenzel, would you please state

your name and spell it for the record.

A. Israel Shrenzel.

MR. YALOWITZ: So if we could just pause, what

I think we should do -- and we can do it on the record.

What I think we can do -- Mr. Shrenzel, as he says in

his report, is conversant in the English language. But

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<u>QUESTIONS INSTRUCTED</u>		
<u>NOT TO ANSWER</u>		
PAGE	LINE	
12	2	
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I think he would prefer to do the translation. And,

frankly, although the initial questions like "what's

your name" don't need to be translated, I think if

we get in the habit of doing the translation, it's

a better -- it will be less confusing to Rina and it

will be a better system. So with your permission, I

would prefer to do it that way.

MR. SATIN: It's up to the witness.

Q. BY MR. SATIN: Is that what you --

MR. YALOWITZ: You have to speak.

THE WITNESS: (In English.) Yes.

Q. BY MR. SATIN: Do you want to testify in

English or in Hebrew?

A. I prefer to speak in Hebrew, which is my

mother tongue.

Q. Okay. Mr. Shrenzel, my name is Michael Satin,

and I'm an attorney at Miller & Chevalier. I represent

the defendants in this case. I'm going to ask you some

questions.

A. Go right ahead.

Q. Where do you live?

A. In Tel Aviv.

Q. Is that where you're from?

A. Yes.

Q. Have you lived your whole life in Tel Aviv?

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1 A. Yes.

2 Q. When were you first contacted about working

3 on this case?

4 A. I believe that it was approximately two weeks

5 prior to the date of the filing of the expert opinion.

6 Q. Do you remember what date that was?

7 A. No.

8 Q. So you had two weeks from the time you were

9 first contacted to the time you had to produce your

10 report?

11 A. It's possible that it was two weeks. It might

12 have been two and a half weeks.

13 Q. Who contacted you?

14 A. An attorney by the name of Nitsana, who is the

15 head of the Shurat HaDin organization.

16 Q. Did you know Nitsana before you were contacted

17 by her in relation to this case?

18 A. Not personally. Not personally. I had heard

19 her name in the media.

20 Q. Do you know how she was put in touch with you?

21 A. She told me that she had received

22 recommendations about me. I didn't ask on a more

23 extensive basis.

24 Q. Do you know from whom she received the

25 recommendation?

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1 A. She did not tell me. I can assume that it

2 was from people who knew me over the course of -- over

3 the course of my years of service in the government

4 establishment. Perhaps subsequent to that.

5 Q. Before you were contacted by Nitsana, were

6 you familiar with Shurat HaDin?

7 A. Only as a reader of the press.

8 Q. What did you know about Shurat HaDin?

9 A. It's a little difficult to distinguish

10 between what I knew prior to that time and after

11 that time. I knew that it's an organization that's

12 engaged in lawsuits against entities that aid and

13 abet terrorism.

14 Q. That's what you knew before you started

15 working with them?

16 A. I assume -- I'm assuming as a general concept,

17 not on an individual level.

18 Q. And then you said you weren't sure how your

19 opinion may be different about them since, after you

20 worked with them.

21 What is your opinion about them since you've

22 started working with them?

23 MR. YALOWITZ: Object to the form.

24 MR. SATIN: Yeah, that was a poorly worded

25 question.

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1 OFFICIAL INTERPRETER NE'EMAN: Can I ask

2 something?

3 MR. SATIN: Sure.

4 OFFICIAL INTERPRETER NE'EMAN: When you're

5 saying "your opinion," you're not referring to his

6 expert opinion, are you?

7 MR. YALOWITZ: He's going to rephrase it.

8 MR. SATIN: I'll rephrase the question.

9 MR. YALOWITZ: He's going to rephrase the

10 question. That's why I objected.

11 MR. SATIN: It's a fair objection.

12 MR. YALOWITZ: And I'll just apologize, but

13 Israel, if you could only talk when Rina is not talking,

14 I know it will help her. So you say it, then let her

15 speak, and then you can say more.

16 OFFICIAL INTERPRETER NE'EMAN: And also if you

17 could speak in short segments and try to speak clearly,

18 it would be helpful to me. Thank you.

19 Q. BY MR. SATIN: What did you come to believe

20 about Shurat HaDin after you started working with them?

21 A. I wouldn't necessarily define it as an

22 opinion, but more as an impression. I'm simply now

23 more familiar with their method of work. Although

24 I also admit that I'm only familiar with this case

25 and I'm not proficient in other cases which I know

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1 exist.

2 Q. What is your impression of their methods?

3 MR. YALOWITZ: Objection. Instruction not

4 to answer. Attorney work product.

5 Q. BY MR. SATIN: Have you been involved with

6 any other cases involving Shurat HaDin besides this one?

7 A. No.

8 Q. Are you aware that Nitsana, Ms. Leitner, has

9 said that, in its early years -- are you aware that the

10 director, the woman you referenced as Nitsana, has said

11 that her organization, Shurat HaDin, took direction from

12 the government of Israel on which cases to pursue?

13 MR. YALOWITZ: Object to form.

14 You can answer.

15 THE WITNESS: No, I was not aware of that.

16 It does not sound right to me, but I don't know.

17 Q. BY MR. SATIN: Do you know if this case

18 has been brought at the direction of the government

19 of Israel?

20 A. I have no idea whatsoever.

21 Q. Would it give you pause to work on a case

22 that was brought on behalf of the government of Israel?

23 A. Does your question refer to a principle or

24 to this case in particular?

25 Q. Hypothetically speaking, would it give you

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1 pause to work on behalf of a case that was brought at  
2 the direction of the government of Israel?

3 A. Just like in this case, I would examine the  
4 issue on a material basis. And if I would be of the  
5 opinion that I could contribute something in a positive  
6 manner and in a manner that does not prejudice my  
7 principles in any way, I would do so.

8 Q. Did you examine this case before you decided  
9 to work on it?

10 A. Certainly.

11 Q. What did you examine before you decided to  
12 work on this case?

13 A. I ascertained that it referred to a series  
14 of events in which victims of terrorist attacks were  
15 pursuing justice, even partial justice. And I  
16 definitely agree with that.

17 Q. Is that information that you examined  
18 something you received orally or in writing?

19 (Brief exchange in Hebrew between Official  
20 Interpreter Ne'eman and the witness.)

21 THE WITNESS: I made that decision after  
22 I heard from a number of sources, including Nitsana.  
23 I'm just saying that we should state her full name  
24 for the record, Nitsana Darshan-Leitner. And also,  
25 when I began to receive the material, I understood

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1 A. Either from Nitsana's office or from one  
2 of the individuals whose names I had mentioned.

3 Q. How many pages was the draft that you  
4 received?

5 A. I can't recall precisely. It's also  
6 important to note that it was in Hebrew, several  
7 dozen pages.

8 Q. Is that your estimate?

9 A. I assume that it's possible to reconstruct  
10 that, to examine it, but that's what I recall. It  
11 could have been 60, 70, 50. 50 or more.

12 Q. Do you still have a copy of the draft you  
13 received when you first started working on this case?

14 A. I'm not sure. I'm a disorganized kind of guy,  
15 and sometimes I delete files from computers.

16 Q. Did you receive the draft in paper form or  
17 electronically?

18 A. Only electronically.

19 Q. So is it still on your computer?

20 A. I don't think so. Because it was in April,  
21 I'm almost certain that I deleted it. And also because  
22 I'm certain that, both in this deposition and when  
23 I testify in court, I'll be testifying on the English  
24 version. Therefore, that's what I retained. That's  
25 what I kept and made sure to keep.

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1 what was being referred to.

2 Q. BY MR. SATIN: For the record, I was only  
3 referring to her as "Nitsana" because you had used  
4 that word with her.

5 A. (In English.) Yes.

6 (Translated.) Yes.

7 Q. So I don't want to put words in your mouth.

8 A. That's fine.

9 Q. So other than Ms. Darshan-Leitner, who else  
10 did you speak to about this case before you agreed to  
11 work on this case?

12 A. I spoke with the team of colleagues who were  
13 involved in the preparation of the first draft before  
14 I became involved in it.

15 Q. The first draft of your report?

16 A. Yes.

17 Q. Who were those people?

18 A. Arie Spitz and Noam Meridor. I assume  
19 that this was obvious or understood, in light of the  
20 fact that there were just two weeks left prior to  
21 the filing of the report.

22 Q. So at some point, you received a draft of  
23 your report?

24 A. A draft, an outline. Yes.

25 Q. Who did you receive that from?

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1 Q. Was it your decision to get rid of the  
2 original draft?

3 A. There wasn't a decision to delete it. I  
4 periodically just delete e-mail that I had received  
5 in the past two or three months. I'm no computer  
6 expert, but perhaps that also can be reconstituted.

7 Q. So the original draft came in an e-mail;  
8 correct?

9 A. Yes.

10 Q. Sometime around April or --

11 A. It's definitely possible that it could have  
12 been at the end of March.

13 Q. And then at some point, two or three months  
14 ago, you deleted the e-mail that had the draft attached  
15 to it that you had received at the end of March or  
16 April?

17 A. I believe that that's what it was. I wasn't  
18 asked to produce the Hebrew text for this get-together.  
19 So my estimate is that it was, in fact, deleted from  
20 my computer. If it's of importance, I'm willing to  
21 check that again.

22 Q. Did you make changes to the document that  
23 you had originally received?

24 A. Definitely.

25 Q. Did you make those changes into the document

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1 that you had received?

2 A. Yes.

3 Q. Did you make those changes in Hebrew?

4 A. Yes.

5 Q. And then did you send a draft of the report

6 with your changes back to Ms. Darshan-Leitner?

7 A. In any event, to her office. Yes.

8 Q. And then were there additional changes made

9 to that document?

10 A. To the best of my knowledge, the process was

11 as follows: The draft or the text that I approved in

12 Hebrew as the final text was sent out for professional

13 translation. And I also reviewed the text in English.

14 And in a few places in which I thought that the

15 translation was not clear enough, I suggested some

16 changes, although I reiterate, they were quite minor

17 in nature, and I sent it back to the office.

18 Q. Between the time that you received the

19 original draft --

20 A. (In English.) In Hebrew?

21 Q. -- in Hebrew, at the end of March or early

22 April, to the time that it was sent out for translation,

23 had you sent your modified draft to the office of

24 Ms. Darshan-Leitner?

25 A. No.

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1 A. (In English.) I don't have 2.

2 OFFICIAL INTERPRETER NE'EMAN: Here.

3 THE WITNESS: (In English.) Aah, this is 2.

4 Q. BY MR. SATIN: Mr. Shrenzel, on page 2 there

5 is a list of documents; correct?

6 A. Indeed.

7 Q. Or to be precise, it says there are numbers

8 of documents that it says were produced.

9 A. Indeed.

10 Q. And those are documents listed on page 2

11 and on 3; correct?

12 A. Yes.

13 Q. And the documents that are referenced by

14 number on page 2 and 3, those are the documents you

15 received at the end of March or so?

16 MR. YALOWITZ: Object to the form.

17 You can answer.

18 THE WITNESS: Yes.

19 Q. BY MR. SATIN: How many pages of documents

20 did you receive?

21 A. I'd like to be precise. Some of them arrived

22 in computer form, and some of them I saw during the

23 course of the meetings that I held with the prep team.

24 Q. Did you receive your own copy of every single

25 one of these documents?

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1 Q. And that period of time was just about two

2 weeks; correct?

3 A. Indeed.

4 Q. And it was during that two-week period that

5 you also received the documents that are referenced

6 in the report?

7 A. Yes.

8 Q. I show you, Mr. Shrenzel, what's been marked

9 already as Exhibit 422.

10 A. Thank you.

11 Q. And Exhibit 422 is the document you signed;

12 correct?

13 A. Yes.

14 Q. Did you actually sign this document, or did

15 somebody else put your signature on the document?

16 A. I left a signature in the office, but I made

17 sure that it had been affixed to the document that I

18 had fully and thoroughly confirmed.

19 Q. When you say you left your signature in the

20 office, what do you mean by that?

21 A. I don't recall precisely. It's possible that

22 it was a computer signature, an electronic signature.

23 Or perhaps I left an actual signature when I was in

24 the office.

25 Q. If you would turn to page 2.

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1 A. Not necessarily.

2 Q. Did you review every single document that

3 is referenced on pages 2 and 3 of the report?

4 A. Yes. Because of the lack of time, I did so

5 with varying degrees of attention. And I can say that

6 I relied, to a very great extent, on the team which had

7 examined the documents over a very long period of time.

8 Q. Who was on that team?

9 A. I have already noted their names.

10 Q. Please say them again.

11 A. Definitely. Arie Spitz and Noam Meridor.

12 Q. Would you agree that for some of the documents

13 that are listed on pages 2 and 3 of the report, you only

14 spent a second or two looking at them?

15 (Brief exchange in Hebrew between Official

16 Interpreter Ne'eman and Check Interpreter Avital.)

17 THE WITNESS: More than a second or two.

18 But definitely things that I thought were

19 obvious or clear, or with respect to which I fully

20 relied on the conclusions of the team, I spent less

21 time on that.

22 Q. BY MR. SATIN: You'd agree, though, that

23 for some of the documents, you did not study them?

24 A. (Translated.) No. I definitely know the

25 general content --

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1 (In English.) General content.  
 2 (Translated.) -- and the significance of  
 3 each and every document.  
 4 Q. You know the significance of each and every  
 5 document, even though you did not receive a copy of  
 6 every single document?  
 7 A. Yes, certainly. I both read it and wrote  
 8 several times the text and the references. The fact  
 9 that I examined the document during the course of a  
 10 meeting with the members of the team and subsequently --  
 11 and, subsequently, they took the documents with them,  
 12 is not relevant.  
 13 Q. How many hours did you spend with the team?  
 14 A. Let's say at least two meetings of  
 15 approximately five hours each.  
 16 Q. And how many hours did you spend reviewing  
 17 documents on your own?  
 18 A. It's difficult for me to make a precise  
 19 differentiation between the review of the documents  
 20 and the handling of the draft.  
 21 Q. Well, how much time did you spend working  
 22 on this case during that two-week period that was  
 23 not with the team?  
 24 A. I believe that it was 20 to 25 hours,  
 25 approximately 20 to 25 hours.

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1 Q. 20 to 25 hours, approximately, during which  
 2 time you were on your own, either reading documents  
 3 or modifying the draft; correct?  
 4 A. Indeed.  
 5 Q. And you are being paid by the hour; correct?  
 6 A. Yes.  
 7 Q. Did you submit an invoice for the period of  
 8 time you worked before the report -- up until the time  
 9 that the report was submitted?  
 10 (Brief exchange in Hebrew between Official  
 11 Interpreter Ne'eman and Check Interpreter Avital.)  
 12 OFFICIAL INTERPRETER NE'EMAN: Thank you.  
 13 THE WITNESS: In fact, I submitted a report  
 14 for my working hours up until the period of the filing  
 15 of the report.  
 16 MR. HILL: Let's just have a minute about  
 17 the translation protocol.  
 18 So if you disagree about what's being said  
 19 in English, you need to say that in English so it can  
 20 get picked up on the record. If you're just prompting  
 21 Rina with a better Hebrew term, I guess it's okay to  
 22 do that in Hebrew, as long as everybody agrees that  
 23 what ends up in English is, in fact, what the witness  
 24 said.  
 25 Are we all on the same page?

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1 MR. YALOWITZ: That's fine with me.  
 2 CHECK INTERPRETER AVITAL: That's what's  
 3 happened so far.  
 4 MR. HILL: Because I'm not a Hebrew speaker,  
 5 so I obviously don't know if there's something you are  
 6 bringing to her attention.  
 7 OFFICIAL INTERPRETER NE'EMAN: Her correction  
 8 was substantive: I erred and said "the filing of the  
 9 report" and he had said "submitting the invoice." The  
 10 Hebrew word for "filing" and "submitting" is the same.  
 11 And because we were talking about the filing of reports,  
 12 I erred, and Ruchie kindly corrected me.  
 13 MR. HILL: Okay. Thank you.  
 14 MR. SATIN: I don't know where the record  
 15 is right now in terms of what the answer was to that  
 16 question.  
 17 (Brief discussion held off the record.)  
 18 (Last answer read.)  
 19 MR. SATIN: Let me just ask the question  
 20 again.  
 21 CHECK INTERPRETER AVITAL: He said: "I  
 22 submitted an invoice."  
 23 Q. BY MR. SATIN: Let's try this again.  
 24 Did you submit an invoice for the hours  
 25 you worked up until the submission of the report?

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1 A. Yes.  
 2 Q. How many hours are on that invoice?  
 3 A. If I recall correctly, the invoice was for  
 4 31 hours. I'd like to add that those are the hours  
 5 in which I was really sitting at my desk. But, in  
 6 effect, for almost that entire two-week period, my  
 7 head was busy thinking and processing.  
 8 Q. You also expected to get paid for the time  
 9 you were meeting with the team; correct?  
 10 A. Yes. That appears to be appropriate to me.  
 11 That's part of the time that I worked.  
 12 Q. So the invoice you submitted, then, includes  
 13 the time spent meeting with the team?  
 14 A. Yes.  
 15 Q. The opinion portion of Exhibit 422 begins  
 16 on page 3; correct?  
 17 A. Yes.  
 18 Q. And there are three sections to the opinion  
 19 portion of this report?  
 20 A. Yes.  
 21 Q. Chapter A is called:  
 22 "Background and Introduction."  
 23 A. Yes.  
 24 Q. And in this part of the report, it explains  
 25 what was asked to be done in this case?

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1 A. Indeed.

2 Q. And the report lists the six attacks that

3 will be addressed?

4 A. Yes.

5 Q. And the specific discussion of each attack

6 takes place later in the report, beginning on page 18;

7 correct?

8 A. Indeed.

9 Q. Because what you do before then, or what

10 is done in the report before then, is a discussion

11 of the general characteristics of the conduct of the

12 Palestinian Authority during the relevant time period;

13 correct?

14 A. Yes.

15 Q. Before you get to the specific incidents,

16 there's also a discussion of the relationships among

17 the PLO, the Palestinian Authority, and Fatah; correct?

18 A. Indeed.

19 Q. And that's just a couple of pages?

20 A. Indeed.

21 Q. And then, finally, in Chapter C is the

22 specific discussion of the six incidents; correct?

23 A. Indeed. Indeed, that is the case.

24 Q. And you'd agree that the main focus of the

25 report is the six incidents?

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1 MR. SATIN: That was the question.

2 MR. YALOWITZ: I'm just helping you correct

3 the form, but do what you want. I object to the form.

4 He can answer.

5 THE WITNESS: No. I have not written any

6 books that relate to the Second Intifada.

7 Q. BY MR. SATIN: You haven't written any books

8 that relate to any of the issues in this report?

9 A. No.

10 Q. You've published three articles in your

11 lifetime; correct?

12 A. Perhaps more, but that are related to the

13 issue at hand. If your intent is those which are cited

14 here, I'm willing to take a look, if I may examine it

15 for a moment, and then I will confirm that.

16 Q. Sure.

17 A. (Examining.) I did, in fact, write the three

18 articles that are cited here. In fact, those, in my

19 opinion, are not related to the subject of the expert

20 opinion. They're more related to the Islamic world

21 on a general basis.

22 But I believe that I have noted -- and I

23 don't know why it doesn't appear here -- an article

24 that I wrote that also appeared in the Haaretz newspaper

25 that dealt with a summary of ten years since the Second

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1 A. Definitely.

2 Q. Now, Mr. Shrenzel, you haven't written any

3 books about the six attacks at issue in this case;

4 correct?

5 A. Not at all.

6 Q. And you haven't written any books about the

7 Second Intifada?

8 A. I will note what was done, and that's pursuant

9 to the information that appears at the outset of the

10 report, which refers to my CV and my background.

11 Over the -- in recent years, I have worked --

12 to be precise, in 2007 and 2008 -- as the editor of two

13 books which also address the Second Intifada. I wish

14 to emphasize that I'm the editor of the books and not

15 the author of the books.

16 Q. I appreciate your trying to be helpful,

17 Mr. Shrenzel. But if you could just listen to the

18 question that I ask and just answer that question.

19 A. I will do my very best.

20 Q. I think we will both be finished sooner if

21 we work that way.

22 A. Definitely.

23 Q. You agree, you have not written any books?

24 MR. YALOWITZ: Object to the form.

25 Any books at all?

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1 Intifada and the prospects and the danger of an

2 additional Intifada.

3 MR. YALOWITZ: Mr. Satin, with your

4 permission, I think the record should reflect my

5 belief that we supplemented Mr. Shrenzel's report

6 with some additional articles.

7 Ms. Weiser would recall the precise

8 circumstances of that supplementation. But we have

9 a copy of it on computer, if you wish to review it.

10 MR. HILL: Why don't you e-mail it to us,

11 Counsel. Neither of us recollects it. Why don't

12 you e-mail it to us, since neither of us is presently

13 recollecting it. And if you've got the original e-mail,

14 just forward that as well, and that way we'll be able

15 to verify whether we previously received it or not.

16 MR. YALOWITZ: Very good. We'll do that as

17 soon as logistics permit.

18 MR. HILL: Ms. Rovner appears to be on the

19 Internet right now. Perhaps she could do it while

20 we're sitting here.

21 MR. YALOWITZ: I'm hoping that she'll be

22 able to. And certainly we'll work as quickly as we

23 can to provide you an electronic copy so you have it

24 in your possession.

25 MR. HILL: Thank you.

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1 Q. BY MR. SATIN: Mr. Shrenzel, do you agree  
2 that Exhibit 422 does not make any mention of an article  
3 about the Second Intifada?

4 A. As the text currently appears, no, it does  
5 not. However, I fully recollect that I was asked by  
6 the office to provide a full list of everything that  
7 I have written. And that is what I did.

8 Q. And again, Mr. Shrenzel, I would just ask you  
9 to answer only my question, which was just about whether  
10 it says that in your report.

11 A. Yes. I, in fact, confirm that. I confirm  
12 that, in this text, only the three articles appear.

13 Q. And the Haaretz is a newspaper?

14 A. The Haaretz newspaper is a daily newspaper,  
15 a primary newspaper in Israel.

16 Q. It's a lay publication? It is not a scholarly  
17 publication?

18 (Brief exchange in Hebrew between Official  
19 Interpreter Ne'eman and Check Interpreter Avital.)

20 THE WITNESS: It is, in fact, a lay  
21 publication. But the tone of the publication is  
22 primarily that of an intellectual or a well-educated  
23 audience.

24 Q. BY MR. SATIN: The article that you just  
25 referenced was not subject to peer review; correct?

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1 A. Indeed.

2 Q. One is called "Ticking Bomb"?

3 A. Yes. The book is in Hebrew.

4 Q. And it's a collection of articles?

5 A. Indeed.

6 Q. And you're not one of the named editors on  
7 the cover of the book?

8 A. If I recall correctly, my name appears as  
9 a linguistic editor.

10 Q. The editors on the cover are Haggai Golan  
11 and Shaul Shay.

12 A. It's been a long time since I took a look  
13 at that book. But, apparently, that is the case.

14 Q. And the other book you cite in the report --  
15 excuse me. The other book that is cited in the report  
16 is called "Hamas Lexicon"?

17 A. Indeed, that's the case.

18 Q. And your name is not on the cover of that  
19 book either?

20 A. Actually, in that case, I believe that it  
21 is written "editing by Israel Shrenzel." And, recently,  
22 one of my students at the university drew my attention  
23 to the fact that the book also appears under my name  
24 in the university catalog.

25 Q. But you did not write it?

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1 (Brief exchange in Hebrew between Official  
2 Interpreter Ne'eman and Check Interpreter Avital.)

3 THE WITNESS: Just like any article that is  
4 submitted by a guest, not by a newspaper reporter.

5 CHECK INTERPRETER AVITAL: "A regular  
6 columnist." "A regular columnist of a newspaper."

7 OFFICIAL INTERPRETER NE'EMAN: A regular --  
8 I'm not sure.

9 CHECK INTERPRETER AVITAL: "A regular writer  
10 for the paper."

11 OFFICIAL INTERPRETER NE'EMAN: "A member of  
12 the newspaper." "Somebody who regularly writes for the  
13 newspaper," perhaps we should say.

14 THE WITNESS: The newspaper itself decides  
15 whether or not to publish that guest article.

16 Q. BY MR. SATIN: Two of the three articles that  
17 are referenced in Exhibit 422 are book reviews; correct?

18 (Brief exchange in Hebrew between Official  
19 Interpreter Ne'eman and Check Interpreter Avital.)

20 THE WITNESS: Indeed.

21 Q. BY MR. SATIN: Is the article that you just  
22 mentioned that is not in Exhibit 422 a book review or  
23 not?

24 A. No, it is not a book review.

25 Q. You mentioned books that you have edited?

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1 A. As I have explicitly explained, I did not  
2 write it.

3 Q. And you don't have a Ph.D.?

4 A. Unfortunately or not, but I don't have one.

5 Q. And you are teaching at the university as  
6 an adjunct professor?

7 A. In Hebrew, the formal definition is an  
8 "outside teacher."

9 Q. You're not tenured?

10 (Brief exchange in Hebrew between Official  
11 Interpreter Ne'eman and Check Interpreter Avital.)

12 THE WITNESS: Tenure, no. No tenure.

13 Q. BY MR. SATIN: You're not on a tenure track?

14 A. No.

15 Q. You've never served as an expert before?

16 CHECK INTERPRETER AVITAL: Excuse me. He  
17 didn't say --

18 (Comment in Hebrew by Check Interpreter  
19 Avital.)

20 OFFICIAL INTERPRETER NE'EMAN: I think  
21 they mean "expert witness." But okay, I accept your  
22 correction.

23 MR. YALOWITZ: Do you mean "expert witness"?

24 MR. SATIN: I do. Thank you.

25 Q. BY MR. SATIN: So you've never served as an

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1 expert witness before?

2 A. No.

3 Q. And how much have you been paid altogether  
4 since you started your work in connection with this  
5 case?

6 A. I already stated, 31 hours, to be precise.  
7 And that has to be multiplied by \$120 per hour, and  
8 with the deduction of tax and other deductions pursuant  
9 to Israeli law.

10 Q. Is the 31 hours just until the report was  
11 submitted on April 10th or up until today?

12 A. No, no. The number of 31 hours refers to  
13 the work up to the point of the filing of the report  
14 on April 10th.

15 Q. Have you worked in connection with this case  
16 since April 10th up until 9:30 this morning?

17 A. Definitely.

18 Q. How many hours?

19 A. I still don't have a full record of that.  
20 I estimate that, to date, it's been approximately 80  
21 hours.

22 Q. Are those 80 hours time you spent working  
23 by yourself or with a team?

24 A. Both.

25 Q. How many hours did you spend with the team,

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1 answers.

2 Q. The report, Exhibit 422, states -- uses the  
3 phrase "Palestinian arena."

4 Do you see that on page 3? The second  
5 paragraph, under Chapter A, starts by saying:

6 "The basis for my opinions herein is my  
7 decades of professional experience analyzing the  
8 Palestinian arena."

9 Do you see that?

10 A. Yes, I see that.

11 Q. Is the term "Palestinian arena" a term that  
12 you came up with or the team?

13 A. I can't say that. I assume that it was  
14 me, because that's the section that deals with my  
15 experience. And apart from that, that concept, at  
16 least in Hebrew, is a common concept.

17 Q. The term "Palestinian arena" is not defined  
18 anywhere in the report; correct?

19 A. It's possible that not directly so.

20 Q. Well, nowhere does it say what the definition  
21 of "Palestinian arena" is in this report?

22 A. Okay.

23 Q. And there is no document here that explains  
24 or that is cited that explains what is meant by  
25 "Palestinian arena"; correct?

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1 of those 80 hours?

2 A. Again, it's difficult for me to provide very  
3 precise information. I would estimate that it was 25  
4 hours with the team, 20, 25 hours.

5 Q. Doing what?

6 A. We examined the documents extremely  
7 thoroughly. We posed questions that appeared to  
8 be relevant to us. And we also did simulations about  
9 questions that you might be likely to ask me. There  
10 were also several hours in which I met with counsel,  
11 to explain about the procedures.

12 MR. YALOWITZ: Don't talk about our meetings.

13 THE WITNESS: (In English.) Okay.

14 MR. YALOWITZ: You've just given away the  
15 secret sauce.

16 THE WITNESS: I accept that. You can really  
17 see for sure that it's my first time.

18 Q. BY MR. SATIN: How many hours of the  
19 approximate 80 did you spend working on your own?

20 A. Well, if we do the simple math, it's about  
21 55 hours.

22 Q. What were you doing?

23 A. I read the report several times, and I  
24 thoroughly read the various documents. And, again,  
25 I thought about possible questions and the requisite

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1 A. In fact, that's the case.

2 Q. Now, from 1980 to 1985, you were at the IDF;  
3 correct?

4 A. Yes.

5 Q. And you focused, according to you, on Syrian  
6 affairs as well as Palestinian issues; correct?

7 A. Yes.

8 Q. From 1988 to 2004, you were an intelligence  
9 analyst at the GSS; correct?

10 A. Yes. Just for the record, we currently call  
11 it the ISA.

12 Q. And while you were at the ISA -- what was  
13 it called then?

14 A. The name in Hebrew was the same name. At  
15 a certain point in time, the official name in English  
16 became ISA.

17 Q. How do you -- what do you refer to it as  
18 in that time period from '88 to 2004, GSS or ISA?

19 A. I think that there is a rule that we call  
20 something according to how it's most recently termed.  
21 So as of this point in time, we'll call it the ISA.  
22 Because, of course, I operated in an environment that  
23 was all in Hebrew, so it's entirely devoid -- it's  
24 devoid of significance.

25 Q. Very well. We'll call it the ISA.

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1 While you were at the ISA, you didn't develop  
 2 expertise in one particular field; correct?  
 3 MR. YALOWITZ: Object to the form. Vague.  
 4 THE WITNESS: The question is not clear to me.  
 5 Q. BY MR. SATIN: You'd agree that you covered  
 6 a range of different fields while you were at the ISA?  
 7 A. That's a matter of definition. But it's  
 8 important to emphasize that all of my work focused  
 9 upon -- and I reiterate -- the Palestinian arena.  
 10 Q. And you covered different areas within what  
 11 you call the Palestinian arena; correct?  
 12 A. Are you referring to areas in terms of  
 13 geography? Subject matter?  
 14 Q. Well, I'm going to direct your attention  
 15 to page 1 of the report.  
 16 A. (In English.) Page 1.  
 17 Q. The fourth paragraph down talks about your  
 18 experience in what is referred to here as the GSS.  
 19 A. Definitely, yes.  
 20 Q. And it says in the middle of that paragraph:  
 21 "In that position, I was responsible (among  
 22 other things) for supervising the work of GSS research  
 23 and assessment personnel in various fields relating  
 24 to Palestinian affairs."  
 25 A. That is what's written and that's what was.

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1 Q. Did you write this sentence?  
 2 A. In Hebrew, yes.  
 3 Q. What did you mean by "various fields"?  
 4 A. I will, in fact, explain that. My intent  
 5 there was, for example --  
 6 CHECK INTERPRETER AVITAL: "Cross-section  
 7 of subjects."  
 8 OFFICIAL INTERPRETER NE'EMAN: Thank you.  
 9 THE WITNESS: -- a cross-section of subjects,  
 10 key issues, such as policy of the Palestinian Authority  
 11 with respect to different issues, policy and actions  
 12 with respect to terrorism, the situation with respect  
 13 to entities or organizations. Those are several  
 14 examples with regard to subject areas.  
 15 We can also address it on a geographical  
 16 basis. The main work was, of course, what was going on  
 17 in the territories. But if there was a relationship or  
 18 some kind of importance with activities of Palestinian  
 19 organizations that were not in the territories -- were  
 20 outside of the territories, when I say different or  
 21 many areas, that's also what this refers to.  
 22 Q. BY MR. SATIN: And here, this sentence uses  
 23 the term "Palestinian affairs."  
 24 (Brief exchange in Hebrew between Official  
 25 Interpreter Ne'eman and Check Interpreter Avital.)

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1 THE WITNESS: Affairs, issues, questions,  
 2 subjects.  
 3 Q. BY MR. SATIN: Do you mean for "Palestinian  
 4 affairs" to mean something different than "Palestinian  
 5 arena"?  
 6 A. No. In my opinion, they're very similar or  
 7 even identical.  
 8 Q. And you'd agree that "Palestinian affairs"  
 9 is not defined in this report?  
 10 A. There is no specific paragraph in which it  
 11 says "'Palestinian affairs' means so and so." But,  
 12 of course, the report refers to things that definitely  
 13 fall within that category.  
 14 Q. You did not investigate the six attacks that  
 15 are at issue in this case; correct?  
 16 MR. YALOWITZ: Object to the form.  
 17 Time frame?  
 18 Q. BY MR. SATIN: At the time of these incidents,  
 19 you were not part of the investigative team; correct?  
 20 A. No.  
 21 Q. And you've never been involved in the  
 22 investigation of these incidents since then; correct?  
 23 MR. YALOWITZ: Object to the form. Vague.  
 24 But you can answer.  
 25 THE WITNESS: No. I was never involved in

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1 that.  
 2 Q. BY MR. SATIN: Earlier we discussed the  
 3 documents that are listed on pages 2 and 3 of this  
 4 report.  
 5 A. Indeed.  
 6 Q. Now, portions of this report make reference  
 7 to other documents that are not listed on pages 2 and 3;  
 8 correct?  
 9 A. To the best of my knowledge, the overwhelming  
 10 majority of what's stated in the report has been  
 11 validated or documented by the references. If by  
 12 chance there is an error or an omission, then that  
 13 would be a function only of the great speed with which  
 14 the report was prepared. And should you find that there  
 15 is a document missing, I assume that it's possible to  
 16 take care of that.  
 17 Q. My only question here is: You'd agree  
 18 that there are footnotes in this report that reference  
 19 documents that are not listed on pages 2 and 3; correct?  
 20 A. I'll explain. The method of numbering that  
 21 appears on pages 2 and 3 is not within the area of my  
 22 expertise. I am familiar with the documents themselves.  
 23 And to the best of my knowledge, and underneath every  
 24 reference to the -- underneath every footnote, that  
 25 every footnote does, in fact, address and confirm what's

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1 stated in the text to the best -- based on my knowledge  
2 and interpretation.

3 Q. Did you read any documents prior to April  
4 10th, other than those that were given to you by the  
5 team from Ms. Darshan-Leitner's office?

6 A. No. Only perhaps general things that I  
7 read from things that appeared in the media. But  
8 not anything that I read on my own initiative, that  
9 I reread. Because I can state that, at least with  
10 respect to the sections that are more general in nature,  
11 they are familiar to me and I consider myself to be  
12 proficient in them so that my primary focus was on the  
13 incidents themselves, which I was not familiar with on  
14 an individual basis.

15 Q. During the two- to three-week period between  
16 the time when you were first contacted about the case  
17 and the time when the report was submitted, did you do  
18 any research into any of the areas that are discussed  
19 in the report?

20 MR. YALOWITZ: Objection. I don't understand  
21 the question.

22 THE WITNESS: I focused on the analysis and  
23 the formulation of my understanding of the six incidents  
24 that are discussed here.

25 Q. BY MR. SATIN: During that two- or three-week

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1 period, did you read any documents for purposes of the  
2 work in this case, other than those which were given  
3 to you by the team?

4 A. I don't recall at this moment in time.

5 Q. Did you keep any type of record of the  
6 documents you did review?

7 A. The documents that I reviewed are the  
8 documents that appear in the references to the report.

9 Q. So if a document is not referenced in this  
10 report, that means you did not review it in preparation  
11 for the work in this case?

12 A. No. I'm having a hard time confirming that  
13 statement. If you could give me an example or ask me  
14 to refer to a specific document, then I will be able  
15 to answer.

16 Q. What I'm getting at is whether or not you  
17 read articles, exhibits, anything else, in preparation  
18 for your work in this case that is not listed inside  
19 this report.

20 A. Again, that are not mentioned here?

21 Q. Yes.

22 A. No. But it's possible that there are things  
23 that are stated here that are based on my general  
24 knowledge and that are a product of reading a review,  
25 not necessarily during the course of those two weeks.

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1 MR. SATIN: Why don't we take a break now.

2 MR. YALOWITZ: Sure. That's fine. We're  
3 off the record.

4 (Recess from 11:04 a.m. to 11:17 a.m.)

5 Q. BY MR. SATIN: Good morning, Mr. Shrenzel.

6 A. Good morning, Mr. Satin.

7 Q. We're going to talk now about the substance  
8 of the report.

9 A. Go ahead.

10 Q. Beginning on page 4 is the discussion of  
11 what is referred to as:

12 "The general characteristics of the conduct  
13 of the Palestinian Authority during the relevant period  
14 of time."

15 A. Indeed.

16 Q. The second paragraph in the middle of that  
17 page, it says:

18 "It is already clear at this stage."

19 Do you see that?

20 A. Yes, I see it.

21 Q. I'm going to read that sentence and ask you  
22 a couple of questions about it.

23 A. Go right ahead.

24 Q. (Reading.)

25 "It is already clear at this stage that

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1 the analysis of the Palestinian Authority's attitude  
2 to the attacks and terrorists shows that the Palestinian  
3 Authority supported, in various ways, the terrorists  
4 who took part in these attacks and that the attacks  
5 were committed in accordance with its policy."

6 A. Yes.

7 Q. Well, first, although it says "it is already  
8 clear at this stage," you'd agree that the analysis  
9 in the report hasn't started yet?

10 A. Yes, it's possible to say that. But the  
11 statement refers primarily to the sentences that were  
12 mentioned prior to that, in which I established --  
13 that starts with:

14 "The role of these security forces ... was  
15 central." (As read.)

16 And, therefore, the sentence that you quoted  
17 appears. But I'm definitely also willing to agree that,  
18 from a logical standpoint, it's possible to reach the  
19 conclusion in its entirety after the individual analysis  
20 of the attacks.

21 Q. So you'd agree that, at the time that this  
22 is written, there has been no proof even attempted to  
23 be proven, attempted to be set forth in the report?

24 MR. YALOWITZ: Do you need me to object to  
25 the form, or do you want to try that again?

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1 MR. SATIN: I'll try it again.

2 Q. BY MR. SATIN: You'd agree that, at the

3 time in the report where it says the language "it is

4 already clear at this stage," there has been no attempt

5 to provide evidence for any of the claims?

6 A. In principle, I agree. However, I shall

7 explain. This refers to preliminary statements. And

8 the person who wrote them -- in other words, me -- is

9 certainly aware of the fact that he must provide full

10 proof of those claims.

11 Q. Which hasn't happened, even according to you,

12 at this point?

13 MR. YALOWITZ: Objection. Object to the form.

14 I think you mean at this point in the report.

15 MR. SATIN: I think that's clear from the

16 question.

17 MR. YALOWITZ: Very good.

18 THE WITNESS: Correct.

19 Q. BY MR. SATIN: That sentence also uses the

20 word "policy."

21 Do you see that?

22 A. Yes.

23 Q. In your report, you don't cite to any

24 document that says this is the policy of the

25 Palestinian Authority; correct?

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1 underlined called "General"; correct?

2 A. Yes.

3 Q. And by "General," you are referring here

4 to what you believe are the general characteristics

5 of the conduct of the Palestinian Authority during

6 the Second Intifada?

7 A. That is, in fact, the case.

8 Q. And these general characteristics, are they

9 characteristics that you came up with on your own?

10 A. Definitely.

11 Q. Did you come up with a test for whether or

12 not something is a general characteristic?

13 A. No. I do not have a scientific, mathematical

14 criterion for that.

15 Q. And you don't cite to another person or source

16 for these so-called characteristics; correct?

17 A. In fact, I see that there are no footnotes

18 that provide references for this.

19 Q. Now, while you were at the ISA, you were

20 exposed to classified information; correct?

21 A. Yes.

22 Q. The report talks about or references thousands

23 of intelligence items.

24 MR. YALOWITZ: I'm sorry, Counsel. Can you

25 point me to a --

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1 A. Is your intent to this text or in general?

2 Q. Well, first, there's no footnote after that

3 sentence that references any policy; correct?

4 A. That's correct. There's no footnote that

5 appears here. And this derives from the fact that,

6 as I state, to a certain extent, these are preliminary

7 sentences and then summarizing sentences.

8 And, certainly, as I stated before, the

9 author is aware of the need to provide evidence. And

10 he hopes -- I hope -- that later on things become more

11 clear. And, in fact, we have a picture before us of

12 policy.

13 Q. Mr. Shrenzel, I don't think you're trying

14 to be disrespectful. But it does seem that we're

15 going to spend a long day together if, after each

16 question, you provide a longer answer that is not

17 in response to that question. I would ask you not

18 to do that.

19 MR. YALOWITZ: Let's go off the record for

20 a second.

21 (Brief discussion held off the record.)

22 Q. BY MR. SATIN: Now, later you get into what

23 you refer to as the "general characteristics"; correct?

24 A. Yes.

25 Q. And beginning on page 5, you have a section

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1 MR. SATIN: Sure. Page 1.

2 THE WITNESS: Yes, in the section that

3 describes my work for the ISA.

4 Q. BY MR. SATIN: And did the classified

5 information that you received at the ISA pertain

6 to what you consider to be general characteristics

7 of the conduct of the PA?

8 A. Generally speaking -- generally speaking,

9 I would be very happy not to make any references to

10 the types and the nature of the classified materials

11 that I have been exposed to.

12 Q. So I can't ask you about any classified

13 information that pertains to general characteristics?

14 A. Neither in the report itself, nor in any

15 reference to the report, I neither intend to nor

16 am I able to make any reference whatsoever to any

17 classified material that I have seen during the

18 course of the years of my service.

19 Q. So are you saying that you can't even

20 tell me whether or not the classified information

21 you received pertains to the general characteristics

22 of the conduct of the Palestinian Authority during

23 the Second Intifada?

24 A. By the very nature of things, both the

25 unclassified material and the classified material

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1 deals with the Palestinian arena, in the broad sense  
 2 of the term as we have already discussed.  
 3 Any deviation to the area of specific  
 4 classified material is extremely problematic from  
 5 many points of view.  
 6 Q. Can you tell me whether or not your period  
 7 of work at the ISA exposed you to classified information  
 8 as it relates to the general characteristics of the  
 9 conduct of the PA during the Second Intifada?  
 10 A. Generally speaking, it can be stated that  
 11 there was a certain relationship. But it's very  
 12 hard to differentiate among the types of material,  
 13 between open-source material and classified material,  
 14 particularly when discussing general characteristics.  
 15 I hope that you will not be angry at me.  
 16 But I wish to explain that, in the expert opinion,  
 17 I did not make any use of classified material.  
 18 Q. Well, the report doesn't make reference,  
 19 as you pointed out, to the basis of those opinions;  
 20 correct?  
 21 MR. YALOWITZ: Objection. Objection.  
 22 Overbroad.  
 23 Q. BY MR. SATIN: You can answer.  
 24 A. I believe that I did not understand the  
 25 question. What do you mean by the word "opinions"?

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1 A. Yes.  
 2 Q. And you can't sit here today and say that  
 3 your opinions about the general characteristics of the  
 4 Palestinian Authority during the Second Intifada have  
 5 nothing to do with your time in Israeli intelligence?  
 6 A. No. Of course. A person is a complex entity.  
 7 But at the time that I wrote the report, I was very  
 8 strict about relying upon materials that, of course,  
 9 could be cited as references, as proof, as evidence.  
 10 And all of those materials are either open source or  
 11 were provided to us by the other side.  
 12 Q. Well, the section on the general  
 13 characteristics is from page 5 until the top of page 8;  
 14 correct?  
 15 A. No, I don't maintain so. No. I think that  
 16 the part pertaining to the general material -- the  
 17 general characteristics concludes on page 6. And then  
 18 I give some more specific analysis of components that  
 19 were mentioned in the general section.  
 20 Q. Well, at least on page 5 and up to where it  
 21 ends on page 6 --  
 22 A. (In English.) Yes.  
 23 (Translated.) Excuse me.  
 24 Q. -- the report doesn't reference any documents?  
 25 A. Yes.

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1 Q. You'd agree that, with respect to general  
 2 characteristics of the conduct of the PA, you have  
 3 classified information inside your head?  
 4 A. If I do, then it's, relatively speaking,  
 5 a very small amount. Eight years have gone by since  
 6 I retired. And the natural tendency of intelligence  
 7 people is to kind of erase from their minds information  
 8 that it's not necessary to retain.  
 9 Q. But you'd agree that the basis for your  
 10 expertise is primarily your work in intelligence;  
 11 correct?  
 12 A. Yes. But in addition to that, both my  
 13 education, and I also consider myself a specialist  
 14 on Arab affairs who is very proficient in various  
 15 fields. But certainly my years dealing with the  
 16 Palestinian issue have contributed to that expertise.  
 17 Q. And you were in Israeli intelligence at the  
 18 time of the Second Intifada; correct?  
 19 A. As it says here, until the end of 2004. Of  
 20 course, there's always that question of when exactly  
 21 the Second Intifada concluded.  
 22 Q. And it was during your time at Israeli  
 23 intelligence that you received information about the  
 24 conduct of the Palestinian Authority during the Second  
 25 Intifada; correct?

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1 Q. And on the bottom of page 5 on to page 6,  
 2 you provide what it states in the report is a brief  
 3 summary of some of the central components of the  
 4 conduct exhibited by the Palestinian Authority during  
 5 the period of the terrorist attacks that are at issue --  
 6 that are at the center of this action; correct?  
 7 A. Was all of that a question?  
 8 Q. Yes.  
 9 A. Yes.  
 10 Q. And it's lettered "a" to "e"?  
 11 A. Yes.  
 12 Q. And the report does not provide any support  
 13 for the claims made in letters "a" through "e"?  
 14 A. I don't agree with that. Because, later on,  
 15 when I discuss the content of sections "a" through "e"  
 16 in greater detail, rather extensive references are  
 17 provided with respect to the various issues that are  
 18 discussed.  
 19 Q. Okay. So we can at least agree that here,  
 20 on pages 5 and 6, you don't provide any support --  
 21 the report does not provide any support?  
 22 MR. YALOWITZ: Objection. Vague.  
 23 (Brief discussion held off the record.)  
 24 THE WITNESS: Yes, please translate again  
 25 so I don't lose my line of thought and at least know

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1 what I'm answering.  
 2 (Pending question re-translated.)  
 3 THE WITNESS: Yes, it's true that, on pages  
 4 5 and 6, there are no references provided.  
 5 Q. BY MR. SATIN: And on the bottom of page 5,  
 6 you reference the "Karine A" incident; correct?  
 7 A. Indeed.  
 8 Q. And nowhere in the report is there any further  
 9 discussion of that incident?  
 10 A. I am not certain that that's the case. It is  
 11 possible that it was mentioned in one of the footnotes.  
 12 I must state that I don't remember each and every one  
 13 of the 77 pages by heart.  
 14 Q. Very well. What I suggest we do is I will  
 15 move on to a different line of questioning for now.  
 16 And then over a break, you can review the document  
 17 and tell me if you find a footnote later in the report  
 18 that references that incident.  
 19 MR. YALOWITZ: We'll take your suggestion  
 20 under advisement.  
 21 MR. SATIN: Or we can spend a significant  
 22 portion of time while he reads the document. I don't  
 23 seek to do that. This is an easier way to do it, to  
 24 save everyone some time.  
 25 MR. YALOWITZ: It's your deposition.

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1 Q. We'll get to that.  
 2 On page 8, you make reference to the words  
 3 "armed struggle"; correct?  
 4 A. Yes.  
 5 Q. And the report states, where it says -- right  
 6 after where it says "armed struggle":  
 7 "The Palestinian euphemism for 'terrorism.'"  
 8 A. Not in the draft I have before me.  
 9 Q. And you're looking at page 8, underneath where  
 10 it says "Education"?  
 11 A. I was looking at the beginning of the page.  
 12 I'd like to take a few seconds to review the paragraph.  
 13 (Examining.) Yes, it does, in fact, state  
 14 here that "armed struggle" is a Palestinian euphemism  
 15 for terror -- "terrorism."  
 16 Q. In general, you'd agree that the words  
 17 "armed struggle" and "terrorism" mean different things;  
 18 correct?  
 19 MR. YALOWITZ: Objection. Failure to specify  
 20 what language.  
 21 Q. BY MR. SATIN: You can answer the question.  
 22 A. We're getting into a linguistic and  
 23 philosophical and political maze here. And because  
 24 I am focused on the Palestinian arena, I think that  
 25 that sentence is -- that statement is certainly

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1 THE WITNESS: May I add something general?  
 2 Q. BY MR. SATIN: Only if it's in response to  
 3 a question I just asked you.  
 4 A. Then I will forgo that.  
 5 Q. On page 6, there is a section that begins:  
 6 "The moves by the Palestinian Authority in  
 7 the areas of incitement and indoctrination."  
 8 Correct?  
 9 A. That is, in fact, the case.  
 10 Q. And the first two paragraphs in the report  
 11 are supposed to be a summary of what follows; correct?  
 12 MR. YALOWITZ: Object to form.  
 13 I think he understands the reference. But  
 14 the record should reflect that the question is directed  
 15 to page 6 of the report.  
 16 THE WITNESS: May I very briefly review the  
 17 two paragraphs?  
 18 Q. BY MR. SATIN: Sure.  
 19 A. (Examining.) Okay. I'm ready.  
 20 Q. There is no document cited in support for  
 21 anything that's written in those two paragraphs there;  
 22 correct?  
 23 A. That is, in fact, the case that, on page 6,  
 24 there are no footnotes. However, as I have noted,  
 25 there are references in support of this later on.

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1 accurate.  
 2 Q. Okay. You'd agree that Israel has been  
 3 involved in armed conflicts before; correct?  
 4 A. (In English.) Unfortunately.  
 5 (Translated.) Unfortunately, we are still  
 6 not in a Switzerland-like situation here.  
 7 Q. And you're not saying that Israel has  
 8 committed acts of terrorism when they've been involved  
 9 in armed conflicts, armed struggles; correct?  
 10 A. As an Israeli citizen, that is my belief, yes.  
 11 That's not an issue that I engaged in with respect to  
 12 this report.  
 13 Q. You'd agree that Palestinians have the right  
 14 to resist the occupation; correct?  
 15 A. Yes.  
 16 Q. Do you believe that the boycotting of  
 17 settlement goods is an act of terror?  
 18 A. Boycotting by who?  
 19 Q. By Palestinians.  
 20 A. I do not maintain that that falls within  
 21 the classic definition of an act of terror.  
 22 Q. Is throwing rocks at tanks terror?  
 23 A. When the throwing of stones or rocks  
 24 constitutes a danger, constitutes a significant  
 25 danger to those who are sitting in the tank, then

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1 it's certainly possible to cite that as an act of  
2 terrorism.

3 But as I've stated, we're treading here  
4 in an extremely problematic field. And, therefore,  
5 I have restricted myself, limited myself to a specific  
6 detailed conversation of the relevant subjects.

7 Q. Is shooting at soldiers an act of terror?

8 A. Yes.

9 Q. Even inside the occupied territories?

10 A. Yes. Particularly -- always, but particularly  
11 in the framework of an arrangement that was in  
12 effect between us and the entities that control the  
13 territories; in other words, the Palestinian Authority.

14 Q. You'd agree that when it says in the report  
15 "'Armed struggle' is a euphemism for 'terrorism,'"   
16 that is an interpretation?

17 A. That is the accepted understanding, both  
18 in terms of research and also in intelligence circles,  
19 certainly Israeli intelligence circles, and perhaps  
20 in much more extensive circles for -- with respect  
21 to the concept that's called in Arabic --

22 (Comment in Arabic by the witness.)

23 THE WITNESS: I must add that, in terms of  
24 the nature of the concept, that's how it's perceived  
25 also by speakers of the Arabic language. Although it's

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1 concept whose meaning is clear, whether you're within  
2 the intelligence community or outside the intelligence  
3 community. And any reasonable reader of a newspaper  
4 on the streets of Jerusalem can explain that concept.

5 Q. You'd agree that the claim you just made,  
6 that any reasonable person on the streets of Jerusalem  
7 would understand that concept, there is no authority  
8 for that claim in this report?

9 A. That would be based upon the fact that the  
10 residents of Jerusalem were the primary people who  
11 suffered during the course of the Intifada, as far  
12 as of that armed struggle. And I believe that five  
13 out of the six terrorist attacks that were mentioned  
14 here took place in Jerusalem, a short walking distance  
15 from the place where we are sitting.

16 Q. (Not translated.) Mr. Shrenzel, I didn't  
17 ask you where the incidents took place. My question  
18 was simply whether or not the claim about what people  
19 in Jerusalem know or knew is stated within the report.

20 Do you understand my question?

21 MR. YALOWITZ: Objection. Arguing with the  
22 witness. That's uncalled for.

23 (Pending question translated.)

24 THE WITNESS: I understand the question, and  
25 I'm answering it that, in fact, there are no references

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1 possible that, for political or other reasons, they  
2 won't consider it to be terrorism. They won't agree  
3 with the definition of "terrorism."

4 Q. BY MR. SATIN: You'd agree that the report  
5 does not cite to a document or any source for this  
6 understanding that "armed struggle" means "terrorism";  
7 correct?

8 A. The drafting of the report also was based  
9 on an assumption that there are things that constitute  
10 common knowledge. And after more than 1,000 Israelis  
11 who have been killed during the course of the armed  
12 struggle in the Second Intifada, the identification  
13 of that struggle as terrorism is perceived by the  
14 author as something that is obvious.

15 Q. Did you receive information about the term  
16 "armed struggle" when you were in Israeli intelligence?

17 A. I certainly encountered that term during  
18 the course of the years of my service, from reading  
19 Palestinian and other material. And the meaning of  
20 that concept then, as now, is unequivocal.

21 Q. Did you receive classified information in  
22 Israeli intelligence about the significance and meaning  
23 of the term "armed struggle"?

24 A. I don't recall, and I don't think that there  
25 was any need for that. As I have stated, this is a

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1 here that reflect the feelings of the residents of  
2 Jerusalem or the residents of Israel on a wider basis.

3 Q. BY MR. SATIN: Very well. Let's focus on  
4 page 8.

5 A. Yes.

6 Q. You've never conducted scholarly work on  
7 the Palestinian curriculum; correct?

8 A. Correct.

9 Q. And during the two weeks or so that you  
10 were working on the draft of this report, you did not  
11 conduct a formal study of the Palestinian curriculum;  
12 correct?

13 A. Correct.

14 Q. During that two- or three-week period when  
15 you were working on that draft, did you consider formal  
16 studies that have been done upon the subject of the  
17 Palestinian curriculum?

18 A. Primarily those that appeared in the  
19 references that were provided to me. One of them  
20 is a review by a research institute.

21 Q. Is that listed in the report?

22 A. Yes.

23 Q. What are you referring to?

24 A. If you might allow me to take a look?

25 Q. Sure.

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1 A. (Examining.)  
 2 (In English.) Footnote number 10 is the  
 3 MEMRI --  
 4 (Translated.) Footnote number 10 refers  
 5 to the MEMRI report.  
 6 MR. HILL: Off the record.  
 7 (Brief discussion held off the record.)  
 8 (Defendants' Exhibit 428 marked.)  
 9 Q. BY MR. SATIN: (Not translated.)  
 10 Mr. Shrenzel, I'm handing you what's been  
 11 marked as Defendants' Exhibit 428 -- and a copy for  
 12 counsel as well. This is -- Defense 428 is the  
 13 document referenced in footnote 10; correct?  
 14 (Comment in Hebrew by the witness.)  
 15 Q. BY MR. SATIN: (Not translated.) That's  
 16 the MEMRI report; correct?  
 17 (Comment in Hebrew by the witness.)  
 18 (Court reporter clarification.)  
 19 MR. HILL: Somebody's got to say it in  
 20 English.  
 21 MR. SATIN: That's my fault.  
 22 MR. YALOWITZ: Let's continue as we have been,  
 23 and let's see where we are at the lunch break. And  
 24 then we'll re-evaluate.  
 25 MR. HILL: That will be "exhibit A" to my  
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1 suggestion.  
 2 MR. YALOWITZ: We now have the questions  
 3 in English, answers in Hebrew, and no translation.  
 4 MR. HILL: The parties will stipulate that  
 5 the witness answered the last two questions in Hebrew  
 6 and that the correct translation of his answer is "yes"  
 7 to both questions.  
 8 (Brief discussion held off the record.)  
 9 (Last two questions read back and translated.)  
 10 THE WITNESS: That is, in fact, the case.  
 11 Q. BY MR. SATIN: And this is a document from  
 12 MEMRI; correct?  
 13 A. MEMRI, yes.  
 14 Q. And MEMRI is the Middle East Media Research  
 15 Institute?  
 16 A. That's, in fact, the case.  
 17 Q. And what is included in Defense 428 is not  
 18 a study of the Palestinian curriculum; correct?  
 19 A. Correct.  
 20 Q. If fact, footnote 10 isn't even a footnote  
 21 in a section about the Palestinian curriculum?  
 22 A. If so, it's possible that there was an  
 23 error in my previous statement. And, in fact, the  
 24 study by MEMRI refers to incitement in general terms.  
 25 And the sources for incitement are indoctrination

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1 in the Palestinian curriculum, relying, in fact, on  
 2 samples of classroom books that were provided to me.  
 3 Q. So just to be clear, the MEMRI document,  
 4 Defendants' 428, does not include a study of the  
 5 Palestinian curriculum; correct?  
 6 A. Yes. It was apparently my error. Although  
 7 in the MEMRI documents there is reference, for example,  
 8 to summer camps which are part of the educational  
 9 system. However, I agree that the MEMRI document is  
 10 not a study of the Palestinian educational curriculum.  
 11 Q. Do you agree that the report does not cite  
 12 any study of the Palestinian curriculum?  
 13 A. I am willing to take a few seconds to examine  
 14 that. (Examining.) That is, in fact, the case. The  
 15 references here all refer to specific classroom books.  
 16 With your permission, I'd like to add  
 17 something. This was done, inter alia, because of the  
 18 fact that I know that there is supposed to be a full  
 19 expert opinion submitted on the subject of incitement  
 20 in the curriculum. And for that reason, we chose  
 21 to limit ourselves -- I chose to limit myself and  
 22 be brief, just to give several examples for the sake  
 23 of illustration. But this is certainly not an expert  
 24 opinion that's focused on the curriculum.  
 25 MR. SATIN: Why don't we take our lunch break  
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1 now.  
 2 (Recess from 12:14 p.m. to 1:21 p.m.)  
 3 MR. HILL: Over lunch, we've discussed the  
 4 interpretation and decided to try Mr. Satin propounding  
 5 the questions in English, the witness answering the  
 6 questions, without translation, in Hebrew, and then  
 7 the witness' answers will be translated into English.  
 8 So we'll proceed in that fashion and see how that goes.  
 9 MR. YALOWITZ: That's agreeable to us. And  
 10 if it turns out to not be practical, then we'll let  
 11 everybody know.  
 12 Also, I raised at the break, there was an  
 13 item that the witness raised with me over the lunch  
 14 break regarding one answer that he gave to a line of  
 15 questions that Mr. Satin is pursuing. And I would like  
 16 him to be given an opportunity to raise that issue, to  
 17 correct what he said before.  
 18 (The following section of the proceedings was  
 19 conducted with counsel's questions in English, not  
 20 translated into Hebrew, and the witness' answers  
 21 translated into Hebrew through the Official Hebrew  
 22 Interpreter, unless otherwise indicated.)  
 23 Q. BY MR. SATIN: Mr. Shrenzel, what is it that  
 24  
 25

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1 you'd like to correct?

2 A. (Translated.) You asked me about reading  
3 material prior to the formulation of the final draft,  
4 the final text. And I remembered that I examined, inter  
5 alia, an expert's opinion that was written by Brigadier  
6 General Yossi Kuperwasser --

7 (In English.) "Retired."

8 (Translated.) -- retired Brigadier General  
9 Yossi Kuperwasser. I don't recall which action that  
10 expert opinion was filed in. But it was also reported  
11 in the Israeli media when he testified about it in a  
12 court in Israel.

13 That expert opinion dealt generally, on a  
14 general basis, with the use of -- with the employment  
15 of terrorism by the PLO since the time of its inception  
16 up to and including the Second Intifada. And that  
17 expert opinion primarily helped me to organize my  
18 thoughts with respect to the general section that  
19 appears here.

20 I wish to emphasize two things. One is  
21 that that expert opinion by Kuperwasser did not deal  
22 at all with any specific incident of terrorism, and  
23 particularly not with the incidents that are under  
24 discussion here. And also, with respect to the general  
25 issue at hand, there are, at the very least, differences

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1 A. Correct.

2 Q. And it was only two school grades each year;  
3 correct?

4 A. Those are the examples that I cited. There  
5 are certainly a wide range of examples from different  
6 years. And I'm sure that it's possible to argue that  
7 even the books that the -- the textbooks that were used  
8 before 1999 or 2000 could have been problematic, even  
9 if they were problematic in an informal kind of way.

10 The fact is that the Palestinian Authority  
11 is operating in the area from 1994, 1995, so that it's  
12 certainly possible that the atmosphere in the classrooms  
13 was clearly full of incitement and anti-Israeli in  
14 nature, even if the textbooks did not reflect this  
15 at that period of time.

16 Q. Mr. Shrenzel, your report only discusses  
17 textbooks published beginning in 1999 to 2000; correct?

18 Excuse me.

19 The report that you signed your name to only  
20 discusses the textbooks published beginning in 1999 to  
21 2000; is that correct?

22 A. Yes.

23 Q. There is no discussions in the report about  
24 textbooks back in the '80s and early '90s; correct?

25 A. Yes.

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1 in emphasis between his approach and my approach.

2 Q. Mr. Shrenzel, after reading this expert  
3 opinion by the Brigadier General, did you also read  
4 the documents and sources cited in that report?

5 A. No. No, there was no time or possibility  
6 of engaging in that.

7 Q. Did you talk to Mr. Yalowitz over the break  
8 about anything else related to your testimony?

9 A. No. I just discussed this issue, raised  
10 this issue.

11 Q. Let's get back to education.

12 A. (In English.) Yes.

13 Q. You'd agree that the perpetrators in these  
14 six attacks were not influenced by the textbooks cited  
15 in the report; correct?

16 A. I cannot state that unequivocally. Because  
17 it's possible that they saw that material either in  
18 their own homes or in the homes of others. And if  
19 we're talking about people in their late teens or early  
20 20s, then the fact is that they were certainly exposed  
21 to materials -- if not those materials that were set  
22 forth in the report, then certainly to other materials  
23 of similar content.

24 Q. Well, the textbooks referenced in the report  
25 were first published in 1999 into 2000; correct?

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1 Q. And the alleged perpetrators of these six  
2 attacks were not children; correct?

3 A. Correct.

4 Q. And you have no evidence that the alleged  
5 perpetrators of these attacks read the textbooks that  
6 are cited in your report; correct?

7 A. I never argued that.

8 Q. You have no evidence that the textbooks cited  
9 in the report were read by the alleged perpetrators;  
10 correct?

11 MR. YALOWITZ: Asked and answered.

12 MR. SATIN: It was asked but not answered.

13 THE WITNESS: No, I have no such evidence.

14 Q. BY MR. SATIN: Let's discuss this next section  
15 briefly about sermons, on page 9 in the first paragraph,  
16 under where it says:

17 "Religious Preaching by Members of the  
18 Clergy."

19 Do you see where I'm looking?

20 A. (In English.) Yes. Yes.

21 Q. The last sentence says:

22 "The imams and others serving the mosques  
23 are officials of the Palestinian government's Ministry  
24 of Religious Affairs. They have occasionally attacked  
25 Israel."

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1 Do you see those two sentences?  
2 A. Yes.  
3 Q. There is no support for those two statements  
4 in your report; correct?  
5 A. Once again, the reference will appear later  
6 on, whereas here I gave a specific example.  
7 Q. Well, the specific -- the next paragraph  
8 begins "an example of this"; correct?  
9 A. Yes.  
10 Q. And do you mean an example of religious  
11 preaching or an example of an attack against Israel?  
12 A. My intent is to a sermon that contains  
13 content, clearly anti-Israeli content, incitement for  
14 violence against Israel, and praise and extollment [sic]  
15 of perpetrators of terrorist attacks.  
16 Q. The example you're referring to is statements  
17 by Ibrahim Mudeiris; correct?  
18 A. Yes.  
19 Q. That is in the MEMRI report that we discussed  
20 earlier; correct?  
21 A. Correct.  
22 Q. Please take out that MEMRI report, which for  
23 the record is Defendants' Exhibit 428.  
24 A. I have it in front of me.  
25 Q. Have you listened to the sermon?

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1 A. No.  
2 Q. Do you know how many Palestinians heard the  
3 sermon?  
4 A. I certainly cannot provide you with an exact  
5 number.  
6 Q. Do you know whether the sermon was broadcast  
7 in its entirety?  
8 A. (In English.) Again, please?  
9 Q. (Translated.) Do you know whether the sermon  
10 was broadcast in its entirety?  
11 A. No.  
12 Q. Looking at Defense 428, there are a number  
13 of sections to this document; correct?  
14 A. Yes.  
15 Q. And the first section involves calls to end  
16 incitement and violence; correct?  
17 A. Yes.  
18 Q. And, in fact, under the introduction at the  
19 very top of the page is a statement from Palestinian  
20 Prime Minister Mahmoud Abbas; right?  
21 A. Yes.  
22 Q. And it says:  
23 "We will work against incitement to violence  
24 and hatred, whatever their form or forum. We will take  
25 measures to ensure there is no incitement emanating from

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1 Palestinian institutions."  
2 That's what it says; correct?  
3 A. Yes.  
4 Q. And that's not put in your report, that  
5 statement; correct?  
6 A. Correct.  
7 Q. On page 2, there is a section where it says,  
8 "Calls to End Incitement and Violence"; correct?  
9 A. Yes.  
10 Q. And there is information provided by the  
11 Palestinian daily Al-Hayat Al-Jadida; correct?  
12 A. Yes.  
13 Q. And what is reported is that the Palestinian  
14 Authority told local media to reduce the, quote,  
15 "combative tone against Israel"; correct?  
16 A. Yes.  
17 Q. But you didn't put that in your report either?  
18 That was not put into the report; correct?  
19 A. Yes. However, I provided the report in its  
20 entirety as reference.  
21 Q. And below that quote from the newspaper --  
22 the news agency Al-Hayat Al-Jadida, it says there is  
23 a broadcast of a peace song on Palestinian TV; correct?  
24 A. (In English.) Again, please? You mean in  
25 the MEMRI report?

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1 Q. Yes, in the MEMRI report.  
2 A. On what page?  
3 Q. Page 2.  
4 A. (In English.) Under --  
5 (Translated.) Under what heading, please?  
6 Q. Below the report of "reducing the combative  
7 tone against Israel," there is discussion of a broadcast  
8 of the peace song on Palestinian TV; correct?  
9 A. (In English.) Yes.  
10 (Translated.) Yes, there is a mention of  
11 a peace song.  
12 Q. And then there are lyrics from the song  
13 as well; correct?  
14 A. Yes.  
15 Q. The document 428 is how many pages long?  
16 A. Thirteen pages.  
17 Q. And you just cited the one statement by  
18 Ibrahim Mudeiris; correct?  
19 That is the only one that is stated in your  
20 report, or stated in the report.  
21 A. I'm not certain. There's also reference  
22 to the caricatures that appear later on.  
23 Q. Very well.  
24 A. Because there's a series of pages here --  
25 there is a series of pages here, from page 8 until

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1 the end of the report, which contain caricatures, all  
 2 of which belong to the category of incitement and not  
 3 to the category of reduction of incitement.  
 4 Q. Well, the only footnote in the report that  
 5 cites the MEMRI report is footnote 10; correct?  
 6 A. (In English.) Again, please?  
 7 Q. The only place that the MEMRI report is listed  
 8 in this report is in footnote 10; correct?  
 9 A. I can accept that as an assumption. I  
 10 cannot -- I cannot say that with absolute certainty.  
 11 And for the purposes of this discussion, I'm willing  
 12 to accept that determination.  
 13 Q. Okay. Let's discuss speeches by Yasser  
 14 Arafat. Page 11.  
 15 Do you agree that you do not conduct a  
 16 comprehensive analysis of Yasser Arafat's speeches?  
 17 Correct?  
 18 A. Yes. That would have necessitated hundreds  
 19 of additional pages. And as stated, as I noted, I  
 20 knew that an extensive expert opinion was supposed  
 21 to be filed on the subject of incitement.  
 22 Q. The report ends with the statement that  
 23 Yasser Arafat threatened to renew the armed struggle.  
 24 Do you see where it says that, on page 11?  
 25 A. Are you talking about the place where the  
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1 A. (In English.) This is a Reuters --  
 2 (Translated.) This is a report by Reuters,  
 3 as I read here. But it certainly gives direct quotes  
 4 from Arafat's speech according to Reuters. It's not  
 5 a recording. It's a report.  
 6 Q. According to the Reuters report, Yasser Arafat  
 7 said:  
 8 "We support peace, but a just and  
 9 comprehensive one."  
 10 Correct?  
 11 A. Could you show me the place? Could you  
 12 show me the place? I really am having a hard time  
 13 finding it, given the tiny size of the font.  
 14 Q. It's in the ninth paragraph of that article.  
 15 A. Okay. With a modicum of effort, I have  
 16 located it.  
 17 Q. It does say that; correct?  
 18 A. (Translated.) I'll translate that to the  
 19 best of my generally good capacity in Arabic:  
 20 "We are with peace; however, with just and  
 21 comprehensive peace."  
 22 (In English.) And -- okay. And there was  
 23 a continuation, but you didn't --  
 24 (Translated.) There was a continuation, but  
 25 you didn't address it.  
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1 citation ends or where the quote ends?  
 2 Q. Right before the quote, the report states:  
 3 "He threatened to renew the armed struggle."  
 4 A. (In English.) I didn't find it.  
 5 (Comment in Hebrew by the witness.)  
 6 THE WITNESS: (In English.) "He threatened  
 7 to renew the armed struggle." Okay.  
 8 Q. BY MR. SATIN: And then there is a quote  
 9 that follows; right?  
 10 A. Yes.  
 11 Q. And that quote is cited to footnote 15;  
 12 correct?  
 13 A. Yes.  
 14 (Defendants' Exhibit 429 marked.)  
 15 Q. BY MR. SATIN: I'm showing you what's been  
 16 marked as Defense Exhibit 429.  
 17 A. Maybe you have an enlarged copy of this?  
 18 I can read this, but it'll be complicated. And perhaps  
 19 it will also be damaging to my eyesight.  
 20 Q. Well, Mr. Shrenzel, you'd agree that this  
 21 is the document that the report cites in footnote 15?  
 22 A. Yes.  
 23 Q. And this isn't the actual speech of Yasser  
 24 Arafat. It's a newspaper article that covers one of  
 25 his speeches; correct?  
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1 Q. You'd agree that the portion of the newspaper  
 2 article in which Arafat stated "we support peace, but  
 3 a just and comprehensive one" is not in the report?  
 4 Correct?  
 5 MR. YALOWITZ: Objection. Misstates the  
 6 witness' testimony.  
 7 Q. BY MR. SATIN: Fair enough.  
 8 You'd agree that the language you just quoted  
 9 about peace was not placed into the report?  
 10 A. Correct.  
 11 Q. Was the decision to put in portions of that  
 12 article into the report made by you or the team?  
 13 A. I cannot state that I can say unequivocally.  
 14 I assume that it was initially by the team. But I'm  
 15 emphasizing that, with respect to the entire report,  
 16 the responsibility is mine and mine alone.  
 17 MR. SATIN: Off the record.  
 18 (Brief discussion held off the record.)  
 19 Q. BY MR. SATIN: Mr. Shrenzel, for your work  
 20 in connection with this case, you didn't do a formal  
 21 study of the Palestinian media; correct?  
 22 A. Correct.  
 23 Q. And you've never done a formal study of the  
 24 Palestinian media; correct?  
 25 A. Correct.  
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1 Q. Let's talk about the specific attacks at  
2 issue in this case.  
3 The report addresses six attacks; correct?  
4 A. Yes.  
5 Q. Are you aware that there are seven attacks  
6 in this lawsuit?  
7 A. Yes.  
8 Q. Did the report draft you received include  
9 information about a bombing that took place at Hebrew  
10 University?  
11 A. No.  
12 Q. Were you ever asked to render an opinion  
13 about the Hebrew University bombing?  
14 A. No.  
15 Q. And you didn't personally witness any of  
16 the six attacks; correct?  
17 A. No.  
18 Q. And you don't personally know any of the  
19 alleged perpetrators of these attacks; correct?  
20 A. Personally? Do I know them personally?  
21 Q. Correct.  
22 A. No.  
23 Q. Did you ever interrogate any of the alleged  
24 perpetrators?  
25 A. No.

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1 Q. Have you ever done interrogations?  
2 A. I prefer not to respond to that question.  
3 Q. You have to answer the question, Mr. Shrenzel.  
4 MR. YALOWITZ: I instruct the witness not  
5 to answer the question.  
6 MR. HILL: What's the basis?  
7 MR. YALOWITZ: It calls for information that  
8 might be of a confidential nature under his obligations  
9 as a former employee of the ISA.  
10 MR. SATIN: He hasn't said that.  
11 MR. HILL: Well, let's see. Why don't you  
12 ask him that question and see what he says.  
13 Q. BY MR. SATIN: Have you done interrogations,  
14 Mr. Shrenzel?  
15 MR. YALOWITZ: Objection.  
16 And instruct --  
17 (Comment in Hebrew by the witness.)  
18 MR. YALOWITZ: Objection.  
19 Instruct the witness --  
20 THE WITNESS: (In English.) I am --  
21 MR. YALOWITZ: Just wait.  
22 THE WITNESS: (In English.) Okay.  
23 MR. YALOWITZ: Objection.  
24 I instruct the witness not to answer on the  
25 basis previously asserted.

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1 Q. BY MR. SATIN: Is the reason you don't want  
2 to answer that question because you have received  
3 classified information about interrogations?  
4 A. No. The reason is that I'm not interested  
5 in responding on anything in a detailed or individual  
6 way to the characteristics of my overall employment  
7 with the General Security Services, or the security  
8 services.  
9 At the outset of the report, it was stated --  
10 and I stand by that -- that the primary focus of my  
11 work was analysis, assessment, and supervision of  
12 people who engage in that. And beyond that, I do  
13 not wish to provide any more detailed information.  
14 Q. Well, Mr. Shrenzel, since what you're  
15 telling us is that it's not illegal for you to answer  
16 the question, I'm going to ask you again: Have you  
17 conducted interrogations as part of your work in  
18 Israeli intelligence?  
19 MR. YALOWITZ: Same instructions. Same  
20 objection.  
21 MR. HILL: What's the basis?  
22 MR. YALOWITZ: Same basis.  
23 Q. BY MR. SATIN: Mr. Shrenzel, are you saying  
24 there is something in the Israeli law that prohibits  
25 you from answering questions about the interrogations

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1 you've done at the intelligence agency?  
2 A. I don't know. I'm no legal expert. I am  
3 present here without any legal counsel, on behalf of  
4 my former employer. But as a former member of the  
5 intelligence community, who possesses common sense,  
6 it seems to me that any statement beyond that which  
7 I've set forth at the outset of the report is an  
8 inappropriate one.  
9 Q. Has anyone told you not to answer questions  
10 about the interrogations at the Israeli intelligence?  
11 A. No. Nobody spoke to me about that, nobody  
12 from the team, no one from the lawyers, and no one  
13 from the ISA.  
14 Q. Mr. Shrenzel, when you were working in Israeli  
15 intelligence at the ISA, did you review documents that  
16 pertained to any of these six incidents?  
17 A. To the best of my recollection, no.  
18 Q. Have you ever met any of the alleged  
19 perpetrators of these six attacks?  
20 A. No.  
21 Q. So for each of the six incidents, you provide  
22 or the report provides a brief summary of what happened  
23 in that incident; correct?  
24 A. Yes.  
25 Q. And the report also provides a summary of

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1 the perpetrators allegedly involved in these attacks;  
 2 correct?  
 3 A. Yes.  
 4 Q. The report provides a profile of each of  
 5 their -- or of many of the perpetrators; correct?  
 6 A. Yes.  
 7 Q. And what you're saying is that that  
 8 information is based on documents you've read in  
 9 connection with your work in this case in 2013?  
 10 A. Yes.  
 11 Q. In other words, documents were provided  
 12 to you, and then you read them and provided the  
 13 information, based on your reading of those documents?  
 14 A. That is, in fact, the case.  
 15 Q. And one of the things that is done in the  
 16 report is an attempt to understand what the Palestinian  
 17 Authority was thinking at the time of these incidents;  
 18 correct?  
 19 A. Definitely.  
 20 Q. To show what the goals and motivations of  
 21 the Palestinian Authority were at the time; correct?  
 22 A. Not only that. More than that.  
 23 It was on the concrete level that pertains  
 24 to the organizational attribution or belonging of  
 25 the perpetrators of the terrorist attacks -- the

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1 fact that they are on the payrolls of various and  
 2 sundry Palestinian organizations, as well as the  
 3 manner in which Palestinian elements addressed in  
 4 various publications, of course, were showing that  
 5 they referred to the perpetrators in a positive and  
 6 sympathetic manner, as well as to their actions.  
 7 Q. But, in essence, Mr. Shrenzel, the report  
 8 is an attempt to get inside the head of the PA; correct?  
 9 A. No, not necessarily to get inside the head  
 10 of -- not necessarily to get inside the head of it,  
 11 but more to get into the outcome of the Palestinian --  
 12 the various outcomes of the Palestinian bureaucracy.  
 13 To the contrary, the idea is not to focus on abstract  
 14 things, but rather on concrete evidence from which  
 15 we can deduce things with respect to the conduct and  
 16 attitudes of the Palestinian Authority.  
 17 Q. Would you agree that attitude and conduct  
 18 refers to the thinking and feeling of the Palestinian  
 19 Authority?  
 20 A. To a certain extent. But, again, we arrive  
 21 there by way of concrete evidence. Because your  
 22 statement, your prior statement, hinted at an attempt  
 23 to --  
 24 CHECK INTERPRETER AVITAL: "Decipher."  
 25 OFFICIAL INTERPRETER NE'EMAN: "Decipher."

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1 Thank you.  
 2 THE WITNESS: -- decipher some kind of  
 3 psychology. And my preference is to speak in a  
 4 language of facts and documents.  
 5 Q. BY MR. SATIN: Now, the last incident  
 6 discussed in the report is the Guetta shooting; correct?  
 7 A. Yes.  
 8 Q. That incident happened chronologically before  
 9 the other five incidents; correct?  
 10 A. Yes.  
 11 Q. And the other incidents are discussed  
 12 chronologically; correct?  
 13 A. Yes.  
 14 Q. Who decided to put the Guetta incident last  
 15 instead of first?  
 16 A. I think that was the way in which the things  
 17 appeared when I received the initial draft.  
 18 Q. Well, let's talk about the Guetta shooting,  
 19 then.  
 20 A. Yes. I would just like to find the place  
 21 in which it appears, please.  
 22 Q. The bottom of page 73.  
 23 A. I have, in fact, found it.  
 24 MR. YALOWITZ: Can we pause for a minute?  
 25 MR. HILL: Let's take a break.

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1 (Recess from 2:00 p.m. to 2:18 p.m.)  
 2 Q. BY MR. SATIN: Mr. Shrenzel, on page 74 to  
 3 page 75, you list nine shootings from 2000 to 2002;  
 4 correct?  
 5 A. Yes.  
 6 Q. And according to the report, these shootings  
 7 were all done by a PA or Palestinian Authority security  
 8 or police officer; correct?  
 9 A. Allow me to take half a moment or a few more  
 10 seconds to review it.  
 11 (Examining.) Yes, that is correct.  
 12 Q. And the report states that these nine  
 13 shootings that were done by a Palestinian Authority  
 14 security or police officer, that information comes  
 15 from the verdict of Marwan Barghouti; correct?  
 16 A. Yes. And also from an official website --  
 17 website of the Foreign Ministry of the State of Israel.  
 18 Q. And neither of those documents list the  
 19 Guetta shooting; correct?  
 20 A. (In English.) No.  
 21 (Translated.) No.  
 22 Q. As in that is correct?  
 23 A. Yes. It's correct that there is no mention  
 24 of the Guetta incident. That might also be because  
 25 that ended only with an injury and not with murder.

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1 And a majority of the published news items or the  
2 published items have to do with cases that ended with  
3 a loss of life.

4 Q. Well, No. 8) on page 75 states that six  
5 persons were injured; correct?

6 A. Yes.

7 Q. And No. 7) says one person severely?

8 A. Yes.

9 Q. It's not true that the Barghouti verdict  
10 only discusses murder cases?

11 A. No, I did not say solely and exclusively.  
12 But, generally, the reference is to incidents that  
13 ended with death.

14 Q. Now, the report says, on page 74, before  
15 discussing the nine incidents, that those attacks had,  
16 quote:

17 "Similar characteristics to those of the  
18 attack of January 8, 2001."

19 A. That is, in fact, the case.

20 Q. But the date of the shootings are not the  
21 same; correct?

22 A. I did not understand the point exactly.

23 Q. The Guetta shooting happened on January 8th,  
24 2001; correct?

25 A. (In English.) Okay.

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1 (Translated.) Yes.

2 Q. The other shootings happened over a span of  
3 15 months; correct?

4 A. Yes.

5 Q. The location of the shootings are not all  
6 the same; correct?

7 A. I shall explain. The intent is to show a  
8 similar pattern that takes place in the extended area  
9 in which the Guetta terrorist attack took place.

10 Q. The Guetta shooting happened on the Givat  
11 Ze'ev Road; correct?

12 A. Yes.

13 Q. And the other shootings, the other nine  
14 shootings that are mentioned in the report did not  
15 happen on the same street; correct?

16 A. Certainly not in the same exact place.

17 Q. And not in the same town either; correct?

18 A. Givat Ze'ev is not a town. It's a settlement.

19 Q. The other shootings did not happen in that  
20 settlement; correct?

21 A. (Translated.) Okay. Correct.

22 (In English.) But not far.

23 (Translated.) But not far from there either.

24 Q. According to the report, all the shootings  
25 happened within a 15-mile radius of Jerusalem; correct?

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1 A. (Translated.) Correct. Approximately.

2 (In English.) Approximately.

3 Q. And you agree Israel is a small country,  
4 relatively speaking?

5 A. Definitely.

6 Q. The time of day of the shootings are not  
7 all the same either; correct?

8 A. Certainly. As you have noted, we are talking  
9 about a period of time extending over 15 months.

10 Q. But I mean the time of the day -- morning,  
11 afternoon, or evening -- the shootings did not all  
12 happen at the same time of the day; correct?

13 A. I assume so, but I did not examine that  
14 issue at all.

15 MR. YALOWITZ: I think the witness will  
16 accept your representation.

17 Q. BY MR. SATIN: Mr. Shrenzel, you'd agree  
18 that some of these shootings happened in the morning,  
19 some in the afternoon, and some in the evening?

20 A. I can't make any comment on that. If that's  
21 something that you have examined, I'll be happy to  
22 hear about it.

23 MR. SATIN: Unless you want to stipulate.

24 MR. YALOWITZ: It's your deposition. You're  
25 asking questions.

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1 MR. HILL: Very well.

2 MR. YALOWITZ: So if you want to show  
3 documents and spend time on it, that's fine. I don't  
4 have enough knowledge to stipulate about it. But if  
5 you want to ask him questions on the assumption that  
6 it's true, that's fine as well. However you want to  
7 proceed is fine with us.

8 (Defendants' Exhibit 430 marked.)

9 Q. BY MR. SATIN: Mr. Shrenzel, I'm showing you  
10 what is marked as Defense Exhibit 430.

11 Defense Exhibit 430 is the website that is  
12 cited in footnote 323; correct?

13 A. I did not hear the number, please?

14 Q. Footnote 323.

15 A. It seems so.

16 Q. And the first incident listed has a date of  
17 December 21st, 2000; correct?

18 A. I see that. Yes.

19 Q. And that's No. 1) on page 74 of the report;  
20 correct?

21 A. Yes. There's no mention here of the name.  
22 But that appears to be the case. There's no mention  
23 of the name of the victim here, but that appears to  
24 be the case.

25 Q. And you'd agree that, on page 74, it says

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1 that the incident happened on Highway 443; correct?  
 2 A. (In English.) Highway 443. Yes.  
 3 (Translated.) Yes.  
 4 Q. And on No. 1, it says "Place of Incident" --  
 5 it says "Road 443"?  
 6 A. Therefore, I said that the things appear to  
 7 be consistent.  
 8 Q. And the time of that incident is 20:30 hours;  
 9 correct?  
 10 A. Yes.  
 11 Q. And No. 2 on the website, which is Defense  
 12 Exhibit 430, has an incident date of December 31st,  
 13 2000?  
 14 A. The 31st of December in the year 2000. Yes.  
 15 Q. And that is the incident which took place  
 16 on Road 60; correct?  
 17 A. Yes.  
 18 Q. And then, on page 74 of the report, it said  
 19 incident No. 2) is a shooting on December 31st, 2000,  
 20 on Highway 60; correct?  
 21 A. Yes.  
 22 Q. And the incident, as reflected in Defense 430,  
 23 shows that this incident happened at 06:30 hours;  
 24 correct?  
 25 A. 6:30 in the morning. Yes.

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1 we have incidents that take place in the morning, the  
 2 afternoon, and the evening; correct?  
 3 A. Yes.  
 4 May I add something? You may be angry,  
 5 but the only thing that that proves is that they're  
 6 accustomed to getting up early in the morning --  
 7 (Brief exchange in Hebrew among Official  
 8 Interpreter Ne'eman, Check Interpreter Avital,  
 9 and the witness.)  
 10 OFFICIAL INTERPRETER NE'EMAN: "Willing" --  
 11 "willing to get up early in the morning."  
 12 THE WITNESS: -- willing to get up early  
 13 in the morning and to go to sleep very late at night  
 14 for the sole purpose of killing Jews.  
 15 And if I'm going to be a bit less cynical,  
 16 this derives from operational considerations on the  
 17 part of the terrorists.  
 18 Q. BY MR. SATIN: Mr. Shrenzel, the number  
 19 of shooters in each of the shootings is not the same;  
 20 correct?  
 21 I'm no longer looking at Defense 430. I'm  
 22 just asking you the question.  
 23 A. I did not go into the resolution in depth.  
 24 But if that's the situation, I accept your statements.  
 25 Q. Well, your report doesn't cite any evidence

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1 Q. No. 3 on Defense 430 is an incident on  
 2 January 25th, 2001.  
 3 A. That is, in fact, the case.  
 4 Q. And the time of that incident is 18:15 hours;  
 5 correct?  
 6 A. Yes.  
 7 Q. And that's reflected in the incident No. 3)  
 8 on page 74?  
 9 A. Yes.  
 10 Q. If you'd turn to page 3 of Defense 430.  
 11 A. Yes.  
 12 Q. What's listed as No. 18 --  
 13 A. Yes.  
 14 Q. -- there is an incident dated February 25th,  
 15 2001; correct?  
 16 A. Yes.  
 17 Q. And that's at the Atara bridge; correct?  
 18 A. Yes.  
 19 Q. And then incident No. 7) in the report, on  
 20 page 75, has that incident; correct?  
 21 A. That is, in fact, the case.  
 22 Q. And according to Defense 430, this incident  
 23 occurred at 13:15 hours?  
 24 A. Yes.  
 25 Q. So even from just looking at a few of these,

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1 for the claim that the shooters -- there were the  
 2 same number of shooters involved in each of these  
 3 nine incidents; correct?  
 4 A. No, I didn't write any such thing.  
 5 Q. And the victims in these nine cases were  
 6 not all the same sex; correct?  
 7 A. There are only two options, no?  
 8 Q. Correct?  
 9 A. Yes.  
 10 Q. And you would agree, they weren't all either  
 11 male or all female; correct?  
 12 A. Definitely.  
 13 Q. The victims were not all the same age;  
 14 correct?  
 15 A. Definitely.  
 16 Q. "Definitely" as in you agree?  
 17 A. (In English.) Yes, I agree with you.  
 18 (Translated.) I agree with you on that  
 19 matter.  
 20 Q. The victims were not all wearing a particular  
 21 type of religious garb?  
 22 A. I did not examine that issue. I assume that  
 23 you're correct.  
 24 Q. There is no evidence in the report that says  
 25 they all were wearing a particular type of religious

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1 garb; correct?

2 A. Definitely correct.

3 Q. And you don't have any evidence to suggest

4 that they were; correct?

5 A. Correct.

6 Q. And the shooters were not always shooting

7 from a vehicle; correct?

8 A. Correct.

9 Q. And there is no evidence that the same

10 weapon was used in the Guetta shooting as in the

11 other shootings; correct?

12 A. Correct.

13 Q. According to the report, Fawzi Marar was

14 one of the shooters in the Guetta case; correct?

15 A. Correct.

16 Q. The report states on page 75:

17 "Counsel for the plaintiffs have informed

18 me that Mrs. Guetta has identified one of the terrorists

19 in the cell that opened fire towards her as Fawzi

20 Marar."

21 A. That is, in fact, what's written.

22 Q. Now, Mr. Shrenzel, did you speak to counsel

23 for the plaintiffs, or was that a conversation between

24 counsel for the plaintiffs and the team?

25 A. (In English.) Oh, I also can view --

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1 tell -- Mrs. Guetta, that is -- if the shooters were

2 Palestinian or Israeli?

3 MR. YALOWITZ: Objection. Misstates the

4 record.

5 THE WITNESS: I don't know anything about

6 that either.

7 Q. BY MR. SATIN: Do you know that the only

8 description of one of the shooters she gave was that

9 he had a mustache and dark skin?

10 MR. YALOWITZ: Objection. Misstates the

11 record.

12 THE WITNESS: As I stated, I'm not proficient

13 about the details pertaining to the line-up. And if

14 you will allow me to state so, I believe that the court

15 is the entity that will determine that.

16 Q. BY MR. SATIN: I'm going to ask you a series

17 of questions about this, Mr. Shrenzel, and I understand

18 that you don't --

19 A. (In English.) Yes, I respect --

20 Q. -- that you haven't -- you respect that.

21 But then, afterwards, I'm going to ask you -- well,

22 let me just start.

23 A. First, previously, you said that perhaps

24 there was something that was disrespectful. So I'm

25 trying to learn the lesson from that and to be more

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1 (Translated.) Those are things that I heard

2 from the team who I noted previously. I was told that

3 there was a line-up that was conducted by the attorneys.

4 Because I'm not a legal expert and I'm not an expert

5 on the matter of line-ups, I wrote the things exactly

6 as they were reported to me, that these were the results

7 of the line-up.

8 Q. Did you, Mr. Shrenzel, receive any other

9 information about this line-up other than what you

10 just testified to?

11 A. No.

12 Q. Did you know that Mrs. Guetta testified in

13 2007 under oath that she couldn't identify the shooter's

14 face?

15 MR. YALOWITZ: Objection. Misstates the

16 record.

17 Q. BY MR. SATIN: I'm asking a question: Did

18 you know that Mrs. Guetta testified in 2007 under oath

19 that she couldn't identify the shooter's face?

20 MR. YALOWITZ: Objection. There's no basis

21 in the record for this question.

22 THE WITNESS: (In English.) I'm not aware

23 of this.

24 (Translated.) I'm not aware of that.

25 Q. BY MR. SATIN: Do you know that she couldn't

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1 respectful.

2 Q. Did you know that the identification, the

3 line-up that you mentioned, took place in 2013, over

4 twelve years after the shooting?

5 A. No.

6 Q. Do you know that the identification procedure,

7 what you're referring to as a line-up, was done by

8 Mrs. Guetta's lawyer, not by a police officer or

9 investigator?

10 A. (In English.) This is implied --

11 (Translated.) This was perhaps implied

12 or hinted at. But I'm explaining in the most explicit

13 possible terms that I didn't consider it part of my

14 responsibility to address the nuances of the line-up.

15 I'm not an expert either on drawings --

16 CHECK INTERPRETER AVITAL: "Composite

17 portraits."

18 OFFICIAL INTERPRETER NE'EMAN: Yes,

19 "composite portraits." Thank you.

20 THE WITNESS: -- composite portraits or

21 pictures pertaining to the line-up.

22 Q. BY MR. SATIN: Do you know the photo array,

23 the line-up -- what you're calling the line-up that was

24 shown to Mrs. Guetta did not have any known innocent

25 fillers?

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1 A. What do you mean by "fillers"? I did not  
2 understand.  
3 Q. Are you aware that the line-up that was shown  
4 to her, it was not clear -- there was no evidence that  
5 any of the people in it were innocent?  
6 MR. YALOWITZ: Objection. Misstates the  
7 record.  
8 THE WITNESS: No, I don't know about that.  
9 Q. BY MR. SATIN: Do you know that the  
10 identification procedure was not videotaped?  
11 A. Same thing. Same as above. I don't know  
12 anything about that.  
13 Q. Now, Mr. Shrenzel, suppose that you did have  
14 all of the information that I just asked you about.  
15 Suppose all that information is true.  
16 Would that information change your opinion  
17 about whether Fawzi Marar was the shooter?  
18 A. I'll explain again. I'm stating the fact  
19 here that Fawzi Marar was identified in a line-up.  
20 I'm not establishing here whether the outcome of  
21 that line-up was accurate. And if I knew all of  
22 those details, it's very possible that I would leave  
23 the statement in place. Also -- that's also by virtue  
24 of my understanding that the attorneys that conducted  
25 the line-up knew, for example, that it was in 2013 --

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1 the lawyers?  
2 A. We're noting in the experts' opinion  
3 information that was provided by another member of  
4 the security forces that indicates the involvement  
5 of Fawzi Marar in a shooting terrorist attack in  
6 this form. The same person did not explicitly state  
7 that Fawzi Marar was the shooter in the Guetta case.  
8 Q. So apart from the information you learned  
9 from the team, you don't have information that Fawzi  
10 Marar was the shooter of this -- of the Guettas;  
11 correct?  
12 A. I think it would be accurate to state that.  
13 Q. Now, at some point Israel announced --  
14 A. I wish to add: To a certain extent, it  
15 reminds me of the saying that, if Shakespeare didn't  
16 write his plays, perhaps it was somebody else by the  
17 name of Shakespeare.  
18 Because, ultimately, the Palestinian  
19 Authority, which is the defendant here, even if there  
20 are doubts with respect to Fawzi Marar, then it could  
21 be somebody else from the list that's mentioned here.  
22 Whether or not there is any kind of decisive difference  
23 here, that's not up to me to judge.  
24 Q. You agree, though, Mr. Shrenzel, that apart  
25 from the information you received from the team about

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1 OFFICIAL INTERPRETER NE'EMAN: 2003.  
2 CHECK INTERPRETER AVITAL: He said "2013."  
3 (Comment in Hebrew by Official Interpreter  
4 Ne'eman.)  
5 CHECK INTERPRETER AVITAL: He said "2013."  
6 That's what he said.  
7 THE WITNESS: The fact is that I have no  
8 ability to substantiate your statements.  
9 Q. BY MR. SATIN: What I'm saying is, assume  
10 for the moment that the statements I have made were  
11 true.  
12 A. Uh-huh.  
13 Q. Would that change your opinion that Fawzi  
14 Marar was the shooter?  
15 A. I have no determination -- contrary to the  
16 other cases, I have no unequivocal determination that  
17 Fawzi Marar was the shooter. I'm noting his name as  
18 the person who was identified in a line-up. And it  
19 shows how that terrorist attack was consistent with  
20 other terrorist attacks that were perpetrated in a  
21 similar area, against similar targets, and by similar  
22 organizational attributions or belonging.  
23 Q. So do you have an opinion about whether  
24 or not Fawzi Marar was the shooter, other than the  
25 information you received from the team that spoke to

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1 Fawzi Marar's involvement in the shooting, you don't  
2 have information that Fawzi Marar was involved in the  
3 shooting?  
4 A. Yes, I have answered that. You are correct.  
5 You are right.  
6 Q. In the conclusion -- well, on page 75, it  
7 says in bold:  
8 "It is therefore very likely that the attack  
9 on the Guettas, too, was carried out by PA security  
10 forces."  
11 Correct?  
12 A. That is, in fact, the case.  
13 Q. And the words "very likely," that's not in  
14 reference to any type of legal standard; correct?  
15 MR. YALOWITZ: Objection. Calls for a legal  
16 conclusion.  
17 MR. SATIN: No, it doesn't. I'm asking if,  
18 in his mind, it is referring to a legal standard.  
19 THE WITNESS: (In English.) I don't --  
20 (Translated.) I generally don't write out  
21 of a legal perspective. So I assume that this statement  
22 as well was not written on the basis of any kind of  
23 legal perspective. And we have to also remember --  
24 OFFICIAL INTERPRETER NE'EMAN: Okay. We  
25 need to do something, because --

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1 MR. YALOWITZ: You have to pause so that  
 2 the translator can translate.  
 3 THE WITNESS: (In English.) Okay.  
 4 (Comment in Hebrew by the witness.)  
 5 OFFICIAL INTERPRETER NE'EMAN: I think you  
 6 should go back a couple of sentences, because I'm not  
 7 sure we have everything on the record.  
 8 THE WITNESS: Because I'm not a legal  
 9 expert and I'm not accustomed to writing from a legal  
 10 perspective, therefore I assume that the expression  
 11 that's written here also is not written out of a legal  
 12 perspective or on the basis of a legal standard.  
 13 Q. BY MR. SATIN: You'd agree that no court  
 14 has ever said it is very likely that this attack was  
 15 carried out by the Palestinian security forces; correct?  
 16 A. Yes, I know that neither Fawzi Marar nor any  
 17 other person was tried with respect to this terrorist  
 18 attack.  
 19 Q. And at some point, Israel announced the death  
 20 of Fawzi Marar; correct?  
 21 A. That is, in fact, the case.  
 22 Q. And Israel listed those attacks that Fawzi  
 23 Marar was involved in; correct?  
 24 A. I don't recall that. I do not believe that  
 25 we noted that in the report. I'm willing to examine

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1 Page 20.  
 2 (Translated.) Yes. Go ahead.  
 3 Q. The third paragraph from the top states --  
 4 and now we're talking about the incident on January  
 5 22nd, 2002. You understand that; correct?  
 6 A. Yes, I understand which act of terror your  
 7 statements pertain to.  
 8 Q. And the third paragraph says:  
 9 "Analysis of the individual profiles of the  
 10 six Palestinian Authority officers involved in this  
 11 attack indicates a positive and supportive attitude  
 12 on the part of the Palestinian Authority towards the  
 13 attacks and their perpetrators, as discussed below."  
 14 It says that; correct?  
 15 A. Indeed.  
 16 Q. It says "attacks."  
 17 Do you mean there are more than one, or do  
 18 you just refer -- is that a mistake?  
 19 A. (In English.) "Involved in this attack."  
 20 What do you mean?  
 21 Q. Is the word "attacks" in the third sentence --  
 22 A. (In English.) Aah, "towards the attacks."  
 23 Q. Is that a mistake?  
 24 A. Okay. You can delete the "s."  
 25 Q. I just want to know, are you referring --

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1 it again, with your permission.  
 2 Q. I haven't asked you about the report,  
 3 Mr. Shrenzel. I've just asked you to start over.  
 4 A. (In English.) Please.  
 5 Q. Israel, when it announced the death of  
 6 Fawzi Marar, listed those attacks that Fawzi Marar  
 7 was involved in; correct?  
 8 A. I do not know. I'm not familiar with the  
 9 official document that the State of Israel published  
 10 that pertains to the terrorist record of Fawzi Marar.  
 11 Q. Are you aware that Israel has never listed  
 12 the Guetta shooting as one of the shootings that was  
 13 done by Fawzi Marar?  
 14 A. I cannot respond to that question accurately,  
 15 because I'm not familiar with the document that you  
 16 state that Israel sets forth the sins and wrongdoings  
 17 of that same person.  
 18 Q. On page 20 --  
 19 A. If you have that document in your possession,  
 20 I'm willing to review it.  
 21 Q. On page 20, you discuss the incident on  
 22 January 22nd, 2002.  
 23 A. (Translated.) Allow me to breathe a little  
 24 bit.  
 25 (In English.) Okay. On page 20, yes?

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1 is the report referring to one -- more than one  
 2 attack or just one?  
 3 A. In this specific case, on this page, the  
 4 report addresses one specific attack -- or -- or  
 5 a specific attack. But, of course, because we're  
 6 analyzing the attitude of the Palestinian Authority  
 7 toward specific people, the fact is that, unfortunately,  
 8 these people perpetrated and were involved in more  
 9 than one attack so that, if we're talking about the  
 10 attitude toward them, the fact is that it's definitely  
 11 possible to say that this pertains to the attitude  
 12 toward a series of terrorist attacks that they  
 13 perpetrated.  
 14 For example, Nasser Aweis, when the  
 15 Palestinian Authority extolls him as a hero, it's  
 16 not only because of the terrorist attack that took  
 17 place on January 22nd, but due to the series of  
 18 actions that he perpetrated.  
 19 Q. All right. In the middle of page 20, down  
 20 below in the second sentence, it says:  
 21 "Indeed, the evidence indicates that these  
 22 men were recruited into the PA security forces because  
 23 of their prior records."  
 24 A. Yes.  
 25 Q. What evidence is cited in the report for

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1 the claim that they were specifically recruited into  
2 the PA security forces because of their prior records?  
3 A. (In English.) Maybe there is no --  
4 (Translated.) Perhaps there is no specific  
5 reference for that fact. But those perhaps fall  
6 within the purview of things that are general knowledge,  
7 that most of the recruits for the Palestinian security  
8 forces had a record of terrorist activity prior to  
9 the emergence of the Palestinian Authority.  
10 Q. The report doesn't cite any evidence that  
11 the hiring entity had actual knowledge of their prior  
12 records; correct?  
13 A. I didn't understand the question.  
14 Q. The report does not cite any evidence that  
15 the hiring entity had actual knowledge of their prior  
16 records; correct?  
17 A. (In English.) Again, I don't know --  
18 (Translated.) I don't know if this refers  
19 to specific evidence or reference. But I definitely  
20 stand behind the argument that the Palestinian  
21 Authority, at the time that it recruited most of the  
22 people who are mentioned there, or even all of them,  
23 clearly knew about their pasts in Israeli prisons,  
24 Israeli courts.  
25 And, in fact, we cite evidence later on,  
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1 specific evidence, that the period of service in  
2 the security forces included the years in which they  
3 served prison sentences even prior to the emergence  
4 of the Palestinian Authority.  
5 Q. On page 21, you discussed the Zinni list.  
6 A. Yes.  
7 Q. You mention the Zinni list three times,  
8 pages 21, 25, and 27; correct?  
9 A. Yes.  
10 Q. And the Zinni list was supposedly a list of  
11 33 terrorists wanted by Israel that was given to the  
12 Palestinian Authority; correct?  
13 A. Yes. I would just like to explain, because  
14 I believe that it's important to expand upon that a bit.  
15 This, in general, refers to terrorists with  
16 respect to whom Israel had requested their extradition  
17 from the Palestinian Authority, encountered refusal,  
18 and therefore an attempt was made to bring about their  
19 extradition as a result of American involvement.  
20 Q. Have you seen the list?  
21 A. I did not see the list within the framework  
22 of the preparations for the writing of this expert  
23 opinion. I have a hard time stating with certainty,  
24 but I assume that I certainly must have encountered  
25 it during the course of my work in the security forces.

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1 Q. So as you sit here today, have you seen the  
2 list?  
3 MR. YALOWITZ: Wait a minute. Objection.  
4 I'm not sure the witness is understanding the question.  
5 I'm not going to say anything further.  
6 MR. HILL: Why don't we have them translated.  
7 MR. YALOWITZ: I want the prior question  
8 and then this question, because I think it's the same  
9 question.  
10 (Record read as follows:  
11 "QUESTION: So as you sit here today, have  
12 you seen the list?")  
13 THE WITNESS: I'm stating once more I don't  
14 recall today that I have seen the list. However, on  
15 the basis of a general assumption of my responsibilities  
16 at that time, it would be reasonable to assume that,  
17 at some point in time, it came under my radar or had  
18 been brought to my attention.  
19 Q. BY MR. SATIN: If I wanted to find out whether  
20 or not, in fact, you had seen the Zinni list, could I  
21 do that?  
22 MR. YALOWITZ: I don't understand the  
23 question.  
24 THE WITNESS: I don't think that there's  
25 any way, unless you wish to have me undergo some kind  
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1 of hypnosis.  
2 Q. BY MR. SATIN: Is there a record -- are there  
3 Israeli records that show whether or not you saw the  
4 Zinni list?  
5 A. (In English.) No.  
6 (Translated.) No, I wasn't such an important  
7 guy that there was a record kept with respect to exactly  
8 what I had seen or hadn't seen.  
9 But, again, the fact that Zinni submitted  
10 a list was known both in intelligence circles, and  
11 I believe that it was also known outside intelligence  
12 circles. If I recall, if I recall accurately, Arafat  
13 was asked about that in interviews around the time of  
14 the submitting of the list. I think that the fact that  
15 the list was submitted was also published in the media.  
16 However, I'm not convinced of that.  
17 Q. Mr. Shrenzel, just please answer just the  
18 question that I'm asking you.  
19 A. (Translated.) I apologize that I have gone  
20 back to my --  
21 (In English.) Misbehavior.  
22 OFFICIAL INTERPRETER NE'EMAN: "My  
23 misbehavior." Yes.  
24 Q. BY MR. SATIN: The report states that  
25 Nasser Aweis was on the Zinni list; correct?

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1 A. Yes.

2 Q. But the report, though, does not include

3 any evidence that the author saw the Zinni list;

4 correct?

5 MR. YALOWITZ: I don't understand the

6 question.

7 THE WITNESS: Correct. The reliance is

8 on an official Israeli document that I assume that

9 you have seen in the material. And I certainly, as

10 an Israeli citizen, attribute absolute credibility

11 to that.

12 Q. BY MR. SATIN: You'd agree that the claim

13 in the report that Nasser Aweis was on the Zinni list

14 is based just on an Israeli government report, not

15 on the list itself?

16 A. When I wrote that, yes, I relied upon an

17 official Israeli document, and as well as on mentions

18 or references that I perhaps did not mention in the

19 references but that are familiar to me, for example,

20 interviews with Zinni himself, with various American

21 figures who were involved in the negotiations at that

22 time, as well as the fact that -- again, I'm not sure

23 that I mentioned it here specifically. But it's obvious

24 and it's well known that Arafat himself, as well as

25 other figures, admitted that they had received such

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1 statements that Arafat may have had with respect to

2 the list and all 38 of the names that appear on the

3 list.

4 (In English.) Thirty-three.

5 OFFICIAL INTERPRETER NE'EMAN: "Thirty-three."

6 Thank you.

7 Q. BY MR. SATIN: And you agree that the report

8 is not based on any statement Yasser Arafat ever made

9 that Nasser Aweis was on the Zinni list; correct?

10 A. Yes.

11 Q. You state on the bottom -- excuse me.

12 It states, on the bottom of page 23, referring

13 to Nasser Aweis:

14 "He was directly subordinate to Marwan

15 Barghouti, who was subordinate to Yasser Arafat,

16 president of the Palestinian Authority and chairman

17 of the PLO."

18 Correct?

19 A. Yes. That's what's written.

20 Q. And there is a footnote, footnote 62, after

21 that sentence; correct?

22 A. Yes.

23 Q. But what is written in footnote 62 does not

24 support this claim about Nasser Aweis' position in the

25 hierarchy; correct?

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1 a list, and they referred to that as fact.

2 Q. So we're clear, the claim in the report that

3 Nasser Aweis was on the Zinni list was based on just

4 one Israeli governmental document; correct?

5 A. Yes.

6 Q. The report states that Yasser Arafat admitted

7 receiving the Zinni list; correct?

8 A. Could you please direct me to the exact source

9 in which this is stated?

10 Q. On page 21, the top paragraph in the middle,

11 states:

12 "Yasser Arafat personally" --

13 A. I found it.

14 Q. For the record, it states:

15 "Yasser Arafat personally admitted receiving

16 that list."

17 Correct?

18 A. Uh-huh.

19 Q. You have to say "yes" or "no" for the record.

20 A. "Yes."

21 Q. But Arafat does not say "I received the list

22 and Nasser Aweis is on the list"; correct?

23 A. (Translated.) If I recall correctly, Arafat

24 did not explicitly mention the name of Nasser Aweis.

25 But I did not review -- I did not cover all of the

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1 A. (Translated.) In order to answer that

2 precisely, we have to return to the records of the

3 interrogation, the indictment, and the verdict.

4 (In English.) The verdict -- and especially

5 the verdict.

6 (Translated.) And particularly the verdict.

7 Q. Well, there is a quote in footnote 62 from

8 the case; correct?

9 A. (In English.) In the footnote itself or in

10 the --

11 Q. In the footnote itself.

12 A. (In English.) In the footnote itself, not

13 in the report. Okay.

14 "Following the outbreak" --

15 Okay.

16 (Translated.) Do you want to read it, or

17 do you want me to read it?

18 Q. You can read it to yourself.

19 A. (Examining.) Yes, I see what this refers to.

20 It refers to a statement by Aweis in his interrogation.

21 We note here that, afterwards, he retracted

22 his statement. But in spite of that, the court saw

23 fit to include it in the verdict of Marwan Barghouti.

24 Q. Mr. Shrenzel, that quote does not mention

25 Yasser Arafat or Marwan Barghouti; correct?

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1 A. In fact, that's true.  
 2 Q. Now, you state on page 27 --  
 3 A. (In English.) Twenty-seven, yes.  
 4 Q. -- that Nasser Aweis was a Fatah military  
 5 commander.  
 6 A. Could you refer me to the specific place?  
 7 Q. The fourth line down from the first paragraph.  
 8 A. (In English.) "Aweis was under the command"?  
 9 This one?  
 10 Q. Before that.  
 11 A. (In English.) Before that. So --  
 12 (Translated.) Where does the paragraph that  
 13 you're referring to begin?  
 14 Q. So the sentence begins:  
 15 "This is reflected in his service as an  
 16 officer in the Palestinian security forces, both  
 17 before and after his imprisonment."  
 18 A. Okay. I found the paragraph. I'm going  
 19 to read it now. (Examining.) Yes.  
 20 Q. There is no support in the report for the  
 21 claim that Nasser Aweis was a Fatah military commander;  
 22 correct?  
 23 A. Again, please?  
 24 Q. There is no support -- there is no document  
 25 that's cited in support of the claim that Nasser Aweis

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1 MR. SATIN: No, it's a question.  
 2 Q. BY MR. SATIN: Have I asked you that question?  
 3 A. I thought that that would contribute to the  
 4 clarification of the issue at hand.  
 5 Q. Mr. Shrenzel, understand, I'm not asking you  
 6 to clarify issues. I'm asking you to just answer the  
 7 questions asked of you.  
 8 MR. YALOWITZ: Objection. Do we need to take  
 9 a break? I don't want you arguing with the witness.  
 10 Ask your questions.  
 11 Q. BY MR. SATIN: Mr. Shrenzel, it says on  
 12 page 26, the last sentence:  
 13 "The PA has also portrayed and praised  
 14 Nasser Aweis as a hero in broadcasts on Palestinian  
 15 television."  
 16 A. Yes.  
 17 Q. Your report doesn't say what praise has been  
 18 given; correct?  
 19 A. Yes. I've noticed that problematic aspect,  
 20 and I think that it will be possible, if necessary,  
 21 to provide the concrete evidence of the television  
 22 programs and the broadcasts.  
 23 Q. Mr. Shrenzel, you conclude your discussion  
 24 of Nasser Aweis by saying, quote, on page 27:  
 25 "Also, had the PA arrested Nasser Aweis,

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1 was a Fatah military commander; correct?  
 2 MR. YALOWITZ: Objection. Compound.  
 3 THE WITNESS: No, no. There are explicitly  
 4 stated in the indictment against him and in the verdict  
 5 and in the ruling.  
 6 (Brief exchange in Hebrew among Official  
 7 Interpreter Ne'eman, Check Interpreter Avital,  
 8 and the witness.)  
 9 OFFICIAL INTERPRETER NE'EMAN: "In the  
 10 sentencing and the verdict."  
 11 THE WITNESS: (In English.) The verdict  
 12 comes first. Then the --  
 13 MR. YALOWITZ: Is everybody in agreement?  
 14 OFFICIAL INTERPRETER NE'EMAN: Yes, I'm in  
 15 agreement.  
 16 MR. YALOWITZ: Thank you.  
 17 Q. BY MR. SATIN: On the bottom of page 26 --  
 18 A. And if you allow me to add, then Nasser  
 19 Aweis himself would be extremely proud to declare  
 20 his membership in that organization.  
 21 Q. Mr. Shrenzel, have I asked you to speculate  
 22 as to how Mr. Aweis would think about his supposed  
 23 status in that organization?  
 24 MR. YALOWITZ: Objection. Arguing with the  
 25 witness.

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1 as the U.S. requested, this terrorist attack (and  
 2 many others) would have been prevented."  
 3 A. That is, in fact, the case.  
 4 Q. Now, Nasser Aweis was not the shooter in  
 5 this case; correct?  
 6 A. Indeed, that is the case.  
 7 Q. Other people were involved in the planning  
 8 and execution of the incident; correct?  
 9 A. Indeed.  
 10 Q. The report states that Ahmed Barghouti was  
 11 responsible for the weapons and Ramadan's transportation  
 12 to Jerusalem; correct?  
 13 A. Indeed.  
 14 Q. The reports states that Muhammad Musalah took  
 15 care of logistics?  
 16 A. Yes.  
 17 Q. And Majid Al-Masri, according to the report,  
 18 put Ramadan on his way; correct?  
 19 A. Indeed.  
 20 Q. So without Nasser Aweis, this incident still  
 21 could have happened?  
 22 A. (Translated.) You asked me to refrain from  
 23 speculation. So perhaps, with all due respect, that's  
 24 also a type of speculation, and I'm willing to explain,  
 25 very briefly.

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1 A terrorist attack of the type that have  
2 been depicted here is not perpetrated by a single  
3 person. There is an entire mechanism that aids and  
4 abets it. And certainly that statement -- there is  
5 no question that the arrest of every cell, each and  
6 every cell, has importance.  
7 (In English.) Or the element, or in this --  
8 (Translated.) Not "cell," but "component."  
9 Or for the purpose of the matter at hand, the arrest  
10 of each and every one of the people who are involved  
11 in the terrorist attack would contribute to the  
12 reduction or the mitigation of the ability to execute  
13 the attack.  
14 Certainly, had the Palestinian Authority  
15 upheld its commitments and arrested more and more,  
16 the likelihood that the terrorist attacks would not  
17 have taken place would have increased.  
18 Q. Let's talk about Ahmed Barghouti. You  
19 write on page 28:  
20 "Ahmed Barghouthi was the head of" the  
21 "Al-Aqsa Martyrs Brigades in the Ramallah District."  
22 (As read.)  
23 A. Yes. Please.  
24 Q. And there is a footnote 88 at the conclusion  
25 of the parenthetical statement; correct?

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1 Why don't you direct the witness to a page, and then  
2 you can ask him questions about it.  
3 Q. BY MR. SATIN: Page 38.  
4 A. (In English.) Thirty-eight?  
5 Q. Yes, 38.  
6 MR. YALOWITZ: Thank you, Counsel.  
7 Q. BY MR. SATIN: The second paragraph states:  
8 "The suicide terrorist who detonated the  
9 explosive device on her person was Wafa Idris, who  
10 served as a confidential agent/informant for PA military  
11 intelligence and was a Fatah operative."  
12 That's what it states; correct?  
13 A. Yes.  
14 Q. And in that paragraph, in that statement,  
15 there's no document cited in support of those claims;  
16 correct?  
17 A. Which part of this statement are you claiming  
18 has no reference?  
19 Q. The part that I just read, about Wafa Idris  
20 allegedly being a confidential agent/informant for PA  
21 military intelligence and being a PA operative?  
22 A. Yes, but it would be worthwhile to look at  
23 her complete profile, which appears later on.  
24 Q. Okay. Well, let's go to that. On page 39,  
25 the next page, you write just below No. 1:

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1 A. Yes.  
2 Q. I'm showing you what will be marked as --  
3 A. I'd like to have a few seconds to review  
4 the document again. (Examining.) Yes.  
5 Q. That document does not state that Ahmed  
6 Barghouti was head of the Al-Aqsa Martyrs Brigades;  
7 correct?  
8 A. Correct.  
9 Q. You don't know who filled out the prisoner  
10 file on that document; correct?  
11 A. Certainly not by name.  
12 Q. Well, you don't know which person, what role  
13 that person was in, who filled out that form; correct?  
14 A. That is, in fact, the case.  
15 I can hypothesize, engage in conjecture that  
16 this refers to a person or operative or somebody in  
17 the office in the Ministry of Prisoners. In Arabic,  
18 it's called the Ministry of Prisoners and Released  
19 Prisoners.  
20 Q. Let's discuss the Sokolow incident on  
21 January 27th, 2002.  
22 You write on page 38 -- excuse me. Strike  
23 that.  
24 It's written on page 38 --  
25 MR. YALOWITZ: I'm sorry. Bear with us.

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1 "Thus, for example, Wafa Idris was a Fatah  
2 operative who had participated in stone throwing in  
3 Ramallah, in addition to which she served as a courier  
4 for Fatah, smuggling flyers and ammunition through  
5 Israel Defense Force checkpoints in the Jerusalem area."  
6 Correct?  
7 A. Yes.  
8 Q. Now, where it says that Wafa Idris was a  
9 Fatah operative, there's no footnote there; correct?  
10 A. But if you look at further information, as  
11 well as this very information, you see that Munzir Noor,  
12 who was, as we know, the person who prepared her or  
13 readied her for this terrorist attack, testified about  
14 this clearly. And this was confirmed, upheld by the  
15 court.  
16 Q. Mr. Shrenzel, my only question now -- and  
17 we will get to the statements of Munzir Noor in a  
18 minute.  
19 My only question now is where it says that  
20 Wafa Idris was a Fatah operative, there is no footnote  
21 there; correct?  
22 A. (In English.) I don't know where --  
23 (Translated.) We need to return to footnote  
24 155 and see what exactly Munzir Noor stated. Because  
25 he, among other people, has certainly confirmed that

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1 she was a Fatah operative. I don't, of course, remember  
 2 all of the content of his testimony by heart.  
 3 Q. Okay. I haven't yet asked you about his  
 4 testimony, but I will do that now. I'm showing you  
 5 what will be marked as Defense Exhibit 432.  
 6 OFFICIAL INTERPRETER NE'EMAN: Could we take  
 7 a short break before we do that, or is this not a good  
 8 time for a break?  
 9 MR. SATIN: Sure. We can take a break.  
 10 (Recess from 3:25 p.m. to 3:45 p.m.)  
 11 (Defendants' Exhibit 431 marked.)  
 12 Q. BY MR. SATIN: Mr. Shrenzel, we were  
 13 discussing Munzir Noor's statements right before we  
 14 left for a break; right?  
 15 A. Yes.  
 16 Q. Mr. Noor had been taken into custody when  
 17 he spoke to the GSS; correct?  
 18 A. (In English.) Probably.  
 19 (Translated.) It's certainly reasonable.  
 20 Q. You worked at the GSS; correct?  
 21 A. Indeed.  
 22 Q. And you know, when people get interrogated,  
 23 that takes place in the custody of the GSS; correct?  
 24 MR. YALOWITZ: Objection. Object to the form.  
 25 (Comment in Hebrew by the witness.)

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1 (Brief exchange in Hebrew between Official  
 2 Interpreter Ne'eman and the witness.)  
 3 THE WITNESS: They are under arrest.  
 4 Q. BY MR. SATIN: And after someone is under  
 5 arrest, the GSS interrogates the individual; correct?  
 6 MR. YALOWITZ: Objection.  
 7 THE WITNESS: Not always. But in most cases,  
 8 yes.  
 9 Q. BY MR. SATIN: And you've been present for  
 10 those interrogations?  
 11 A. No.  
 12 Q. Do you know what happens during those  
 13 interrogations?  
 14 A. No. Not on a detailed basis. I have not  
 15 engaged in interrogations.  
 16 Q. But at some point after a person is  
 17 interrogated, the police take a statement from that  
 18 individual; correct?  
 19 A. I really have no in-depth proficiency in  
 20 the legal procedure. But I believe that your statements  
 21 are accurate ones.  
 22 Q. According to the report, there were statements  
 23 made by Munzir Noor to the police; correct?  
 24 A. Indeed.  
 25 Q. Statements made in the custody of the police?

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1 A. Yes.  
 2 Q. And Munzir Noor gave three different  
 3 statements; correct?  
 4 A. I actually have not examined the issues in  
 5 depth. If you indicate specific points, I will try  
 6 to address them.  
 7 Q. Well, the report makes reference to a  
 8 statement made under police interrogation dated  
 9 May 13th, 2002; correct?  
 10 A. On what page, please?  
 11 Q. So, for example, on page 43, footnote 177.  
 12 A. Yes.  
 13 Q. And if you look to the previous page, there  
 14 is reference made the statement of Munzir Noor, dated  
 15 April 25th, 2002.  
 16 A. What is the number of the footnote, please?  
 17 Q. 165.  
 18 A. (In English.) So this is page --  
 19 Q. Forty-one.  
 20 A. (In English.) Page 41, footnote 165?  
 21 Q. Do you see that?  
 22 A. Yes.  
 23 Q. And then there is another statement that's  
 24 referenced in footnote 176 on page 42.  
 25 A. Yes.

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1 Q. April 23rd, 2002.  
 2 A. Yes.  
 3 Q. So we have all together April 23rd, 2002,  
 4 April 25th, 2002, and May 13th, 2002?  
 5 A. That is indeed the case.  
 6 Q. Now, your report focuses -- the report  
 7 that has your name on it, I should say, focuses on  
 8 the statements of April 25th and May 13th; correct?  
 9 A. (In English.) Again, please.  
 10 (Translated.) Again, please. I wasn't  
 11 able to follow you.  
 12 Q. The report focuses on the statements on  
 13 April 25th and May 13th; correct?  
 14 A. Those are the most-often cited.  
 15 Q. The April 23rd statement is only cited one  
 16 time in footnote 176; correct?  
 17 A. Indeed.  
 18 MR. YALOWITZ: Objection. Misstates the  
 19 record.  
 20 You shouldn't agree with him if it's wrong.  
 21 Continue.  
 22 Q. BY MR. SATIN: Footnote 176, the statement  
 23 April 23rd, 2002, that footnote is used to modify the  
 24 statement, quote:  
 25 "Until his arrest, he worked as a medic with

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1 the Palestine Red Crescent Association."

2 A. Yes. But I see that the same testimony is  
3 also mentioned in footnote 175.

4 Q. Now, in the report, it does not state that  
5 in the April 23rd, 2002, statement, Munzir Noor denied  
6 his movement in this incident; correct?

7 A. The truth is that you're confusing me with  
8 the different versions. And for this purpose, in order  
9 for me to address them, I must see the documents in  
10 their full form.

11 (Defendants' Exhibit 432 marked.)

12 Q. BY MR. SATIN: I'm showing you, Mr. Shrenzel,  
13 what's been marked as Defense 432.

14 A. This is -- appears in handwriting which  
15 is very dense and crowded in Hebrew. Even if the  
16 handwriting was good handwriting, in order to read  
17 through it thoroughly, it would take quite a few  
18 moments. Certainly, in the current state of affairs --  
19 tell me what you're asking me to do, and I'll try and  
20 do it.

21 Q. First, Mr. Shrenzel, this Defense 432 is the  
22 April 23rd, 2002, statement of Munzir Noor; correct?

23 A. Yes.

24 Q. Did you read this document during the two-week  
25 period prior to the submission of the report?

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1 in general and people who are interrogated or are  
2 defendants. Ultimately, all of that is presented  
3 to the court, and the court decides which version  
4 to believe.

5 Q. Mr. Shrenzel, I'm showing you what's about  
6 to be marked as Defense Exhibit 433.

7 MR. YALOWITZ: Counsel, would you like  
8 Mr. Shrenzel to read the Exhibit 432, or are you  
9 finished with that exhibit?

10 MR. SATIN: We're done with it.

11 (Defendants' Exhibit 433 marked.)

12 Q. BY MR. SATIN: Mr. Shrenzel, I'm showing  
13 you what's been marked as Exhibit 433.

14 A. (Examining.) Yes.

15 Q. Have you seen this document before?

16 A. Certainly. During the course of the  
17 preparation of my expert opinion.

18 Q. Did you receive information from the team  
19 about this document?

20 A. Yes. But this document, because of its  
21 importance, I read it with a great deal of attention.

22 Q. This document is the basis for the author of  
23 the report's belief that the PA's General Intelligence  
24 Service was involved in the bombing and the attempted  
25 cover-up of some sort; correct?

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1 A. Not in a full format. I definitely relied  
2 on the conclusions that were drawn by Arie Spitz and  
3 Noam Meridor, whom I have already praised previously.

4 Q. Would you agree, Mr. Shrenzel, that this  
5 document shows that Munzir Noor denied his involvement  
6 in this suicide attack?

7 A. In order for me to reach such a conclusion,  
8 I would have to read through this again. And if  
9 necessary, if there is any misunderstanding in a  
10 critical place, we would have to contact the policeman  
11 who wrote the report, or at least to go back to the  
12 members of the team and find out why they understood  
13 what they understood.

14 But are you indicating some sort of a factual  
15 error in the report in this context?

16 Q. Do you know what this document says?

17 A. This document is part of the entire set of  
18 police statements that deal with the involvement of  
19 Munzir Noor in this terrorist attack.

20 (Examining.) Just a moment.

21 It's important to emphasize that the fact  
22 that -- the fact that there are several different  
23 testimonies and sometimes there are contradictions or  
24 inconsistencies among them, is a well-known phenomenon.  
25 I assume that that's true with respect to trials

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1 A. I don't know whether that's the only source  
2 that proves this. I would have to go back and check  
3 that again in the text. But this document certainly  
4 has weight.

5 Q. On page 38 --

6 A. (In English.) Thirty-eight?

7 Q. -- the last sentence in the first paragraph  
8 reads:

9 "The PA's General Intelligence Service was  
10 also involved in the bombing and an attempted cover-up."  
11 That's what it says; correct?

12 A. Yes.

13 Q. And there is a footnote 150; correct?

14 A. Yes.

15 Q. And 150 references Defense Exhibit 433;  
16 correct?

17 A. Correct.

18 Q. Now, Defense Exhibit 150 is a typewritten  
19 document; correct?

20 I'm sorry.

21 Defense Exhibit 433 is, in part, a typewritten  
22 document; correct?

23 A. Yes.

24 Q. And there is handwriting along the edges;  
25 correct?

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1 A. Yes.  
2 Q. The name on the bottom of the typewritten  
3 portion is Amaniya Ayadea (phonetic); correct?  
4 A. Correct.  
5 Q. Did you speak to that individual?  
6 A. Never.  
7 Q. Has your team told you that one member of  
8 the team has spoken to this individual?  
9 A. No.  
10 Q. At the very top of the document is some  
11 handwritten notes; correct?  
12 A. Yes.  
13 Q. Do you know who wrote those handwritten notes?  
14 A. No. I wish to explain. Our attention was  
15 primarily drawn to the typed text. The deciphering  
16 of this handwriting -- in spite of the fact that we  
17 invested a great deal of effort in it, the deciphering  
18 of it is not certain and it's very difficult. For me,  
19 and perhaps to a lesser degree, but also for the team  
20 that I mentioned.  
21 Q. So the opinion of the team, as far as you  
22 know, is based on the typewritten portion; correct?  
23 MR. YALOWITZ: Objection.  
24 THE WITNESS: (In English.) The team and me.  
25 MR. YALOWITZ: I don't understand the

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1 the document and from the content of the document is  
2 based on the family members of Wafa Idris.  
3 Q. The information in that memo about Wafa  
4 Idris and her family, you don't know who provided that  
5 information to the person who wrote this memo; correct?  
6 A. I just said that, in the last paragraph,  
7 it explicitly states that the family emphasized. To  
8 whom exactly the family had stated that -- but the  
9 information reached the person who wrote this.  
10 Q. The first paragraph, the memo, the document,  
11 does not state who provided the information contained  
12 in that first paragraph; correct?  
13 A. I'm going to check that now. (Examining.)  
14 Yes, there's no mention of the specific  
15 source of the information.  
16 Q. Let's discuss the March 23rd, 2002, incident.  
17 If you'd turn to page 50.  
18 A. (In English.) Fifty. Okay.  
19 Q. And on to page 51, there's discussion of  
20 Abd-el Karim Aweis; correct?  
21 A. (In English.) Fifty-one, only in the --  
22 (Translated.) Only on the top portion of  
23 the page, yes?  
24 Q. And in that section, that top portion,  
25 there is again a discussion of the Zinni list; correct?

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1 question.  
2 THE WITNESS: (In English.) Yes.  
3 (Translated.) This refers primarily to the  
4 typewritten portion. We were able to decipher some  
5 of what's written in handwriting, but we were not able  
6 to achieve full deciphering. And what we were able to  
7 obtain or what we were able to do did not change our  
8 understanding of the document.  
9 Q. BY MR. SATIN: The typewritten part includes  
10 written information about Wafa Idris; correct?  
11 A. Correct.  
12 Q. The information about Wafa Idris that's  
13 included in the typewritten portion of the document  
14 does not state the source of that information; correct?  
15 A. (In English.) Not exactly.  
16 (Translated.) Not exactly. Because towards  
17 the end, it refers to -- it says specifically that  
18 Wafa's family emphasized this and that. And I can  
19 translate, if you wish: That the last time she left  
20 the house, there was no indication on her -- she did  
21 not display any indication that she had no intention  
22 of returning, and the only thing that she said was  
23 that she was going to take a drive to Nablus and that  
24 she might be late.  
25 The general impression from other parts of

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1 A. Indeed.  
2 Q. And you have not seen the Zinni list in  
3 relation to -- well, you have not seen any -- this  
4 is the same Zinni list that we discussed earlier;  
5 is that correct?  
6 A. Definitely. Definitely.  
7 Q. On the previous page, under the section  
8 where it says, "Public Praise," it states on page 50:  
9 "PA television has broadcast programs praising  
10 Abd-el Karim Aweis and presenting him as a hero."  
11 That's what it says; correct?  
12 A. Yes.  
13 Q. And the report does not provide any evidence  
14 to support that claim; correct?  
15 A. Yes. As I have noted, that is really  
16 something that is missing that we can provide. We  
17 certainly have many items in support of that statement.  
18 Q. Nasser Shalish was expelled from the general  
19 security apparatus in 1997; correct?  
20 A. Indeed, yes.  
21 Q. I'm going to show you what's going to be  
22 marked as Defense Exhibit 434.  
23 (Defendants' Exhibit 434 marked.)  
24 Q. BY MR. SATIN: Defense Exhibit 434 is a  
25 court record in the case of Abd-el Karim Aweis; is

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1 that correct?

2 A. (In English.) This is his sentencing.

3 (Translated.) This is his sentencing.

4 Q. And this is a document written by the court;

5 correct?

6 A. Certainly. This is the sentencing of the

7 court.

8 Q. And I'd direct your attention to page 3.

9 A. (In English.) Page 3. Okay.

10 (Translated.) Where, please?

11 Q. The last full paragraph on page 3.

12 A. May I please read through it for several

13 seconds?

14 Q. Sure.

15 A. (Examining.)

16 Q. Would you please read the first sentence

17 in that last paragraph.

18 A. Yes, please.

19 Q. I'm asking you to read it. I don't read

20 Hebrew.

21 A. (In English.) Aah, okay. I read it to

22 myself. You want me to read it --

23 Q. Please read it out loud. I'm sorry for

24 not being clear.

25 A. (In English.) I'm not sure that --

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1 MR. SATIN: No, it was just the first sentence

2 that I asked him to read.

3 MR. YALOWITZ: Wait a minute. We need to

4 have a complete record. Even though he didn't follow

5 your instructions, I want the record to reflect what

6 happened.

7 MR. SATIN: That's not proper.

8 MR. YALOWITZ: That's not proper for the

9 record to reflect what happened?

10 MR. HILL: Well, just so the record is clear,

11 Rina, are you saying that you did not translate

12 everything that the witness said?

13 OFFICIAL INTERPRETER NE'EMAN: I'm saying

14 that the witness translated [sic] two sentences, and

15 you had asked him to translate one sentence.

16 MR. HILL: Then you should put on the record

17 what the witness did that wasn't responsive.

18 OFFICIAL INTERPRETER NE'EMAN: Okay. The

19 second sentence says that the defendant saw to the

20 release of that person, saw to or took care of the

21 release of that person.

22 Q. BY MR. SATIN: What you just read from the

23 court record of Abd-el Karim Aweis, that was not put

24 in the report; correct?

25 A. I think that in general terms, overall terms,

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1 (Reading/translated.)

2 "I'm not certain that the American Colony

3 will allow me to open a Hebrew school here. You know

4 they're a little" --

5 OFFICIAL INTERPRETER NE'EMAN: I'm sorry.

6 MR. SATIN: What did he say?

7 OFFICIAL INTERPRETER NE'EMAN: He said:

8 "You know they're a little pro-Palestinian here."

9 THE WITNESS: (In English.) Okay.

10 (The relevant text was read aloud in Hebrew

11 by the witness.)

12 OFFICIAL INTERPRETER NE'EMAN: Should I

13 translate it?

14 MR. SATIN: Please.

15 OFFICIAL INTERPRETER NE'EMAN:

16 (Reading/translating.)

17 "After the death of the brother of the

18 defendant, his friend Nasser Shalish contacted him

19 and told him that he has a person who is willing to

20 perpetrate a suicide terrorist attack in revenge, in

21 order to avenge his brother's death. However, that

22 person is detained in the Mukataa complex in Ramallah."

23 MR. SATIN: Thank you.

24 OFFICIAL INTERPRETER NE'EMAN: He also read

25 a second sentence. Do you want me to translate that?

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1 it was.

2 Q. Where does the report state that the -- where

3 in the report does it state that the incident was done

4 as a revenge for the death of Abd-el Karim Aweis'

5 brother?

6 A. Oh, okay. Not necessarily every detail,

7 but the very relationship between the defendant and

8 his friend. And -- and the important thing from

9 our perspective was that the suicide bomber had been

10 arrested and people saw to it that he would be released.

11 Those things certainly appear.

12 Q. Abd-el Karim Aweis' brother was killed by

13 the IDF; correct?

14 A. I did not express an opinion with respect

15 to the exact circumstances of his death. I assume that,

16 if that's the information that's in your possession,

17 that we can accept that, at least as a working premise.

18 Q. So what you're saying now is you don't know

19 one way or the other whether his brother was killed by

20 the IDF? Is that what you're saying?

21 A. I assume that, if I'm being presented with the

22 claim that this incident started to take form subsequent

23 to the death of his brother, I'm assuming that we're not

24 referring here to death from an illness. But I don't

25 know, and I did not examine the specific circumstances

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1 of his death.  
 2 Q. Hashaika also had relatives killed by the IDF?  
 3 A. Could you show me the reference for that  
 4 determination?  
 5 Q. I'm asking you a question, Hashaika -- if you  
 6 know the answer -- had been killed by the IDF?  
 7 A. (In English.) Hashaika himself? No. Or you  
 8 mean --  
 9 Q. No, his relatives. I'm sorry.  
 10 A. (In English.) Okay.  
 11 Q. Let me start again.  
 12 Hashaika was the suicide attacker in this  
 13 case; correct?  
 14 A. Correct.  
 15 Q. Hashaika's relatives were killed by the IDF;  
 16 correct?  
 17 A. I don't know about that at this moment.  
 18 Did you find that that had been noted in  
 19 the report?  
 20 Q. The way this works is the law requires me  
 21 to ask the questions and for you to answer them.  
 22 A. I certainly respect that.  
 23 Q. Do you know that Hashaika had cousins that  
 24 were killed by the IDF as well?  
 25 A. I don't know about that.

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1 Exhibit 435, Defense Exhibit 435 is a document  
 2 purporting to be from the Israel Ministry of Foreign  
 3 Affairs; correct?  
 4 A. Indeed.  
 5 Q. And this report is about the confiscation  
 6 of money; correct?  
 7 A. That's what it states in the heading. Yes.  
 8 Q. I direct your attention to page 4 of this  
 9 document.  
 10 MR. YALOWITZ: Counsel, you mean the fourth  
 11 unnumbered page?  
 12 MR. SATIN: That is correct.  
 13 THE WITNESS: Yes.  
 14 Q. BY MR. SATIN: And it says in the middle  
 15 of the fourth page:  
 16 "Personal bank accounts from which funds  
 17 were confiscated during the operation:"  
 18 "An account in the name of Naef Abu Sharh,  
 19 a senior fugitive of the Tanzim infrastructure in  
 20 Nablus who was behind the following terrorist acts:"  
 21 Bullet point:  
 22 "The" June 19, "2002, suicide bombing of  
 23 a crowded bus stop and hitchhiking post at the French  
 24 Hill intersection in northern Jerusalem, in which  
 25 seven people were murdered and over 35 were wounded."

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1 Q. Let's talk about the incident on June 19th,  
 2 2002, beginning on page 56.  
 3 The report states that Naef Abu Sharh was  
 4 responsible for this incident; correct?  
 5 A. Indeed.  
 6 Q. Abu Sharh was never convicted in connection  
 7 with this incident; correct?  
 8 A. That's correct. He was not apprehended.  
 9 And as it is noted in the report, he was killed by  
 10 IDF forces two years after the terrorist attack.  
 11 Q. Right. And the basis for the belief that  
 12 Naef Abu Sharh was involved in this incident comes  
 13 from a report in the Israeli Ministry of Foreign  
 14 Affairs; correct?  
 15 A. I must look at that again, take a look at  
 16 that.  
 17 Q. You're welcome to look wherever you like.  
 18 But I'd direct your attention to the second paragraph  
 19 on page 57.  
 20 A. Yes, I found that. And I thank you for your  
 21 assistance.  
 22 (Defendants' Exhibit 435 marked.)  
 23 Q. BY MR. SATIN: I want to show you what we've  
 24 marked as Defense Exhibit 435.  
 25 Showing you what's been marked as Defense

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1 (As read.)  
 2 A. Yes.  
 3 Q. That's what it says; correct?  
 4 And the information on this document is what  
 5 forms the basis for the report's claim that Abu Sharh  
 6 was involved in the June 19, 2002, incident; correct?  
 7 A. Yes.  
 8 Q. No other information?  
 9 A. In the report itself. In the report itself.  
 10 I am reiterating that it's likely that it  
 11 would be appropriate to go into more depth with respect  
 12 to the examination of the issue of the liability of  
 13 Naef Abu Sharh for the terrorist attack. However, of  
 14 course, such a statement in an official document of  
 15 the State -- of the State of Israel is perceived by  
 16 me to be credible. And I'm not aware that, subsequent  
 17 to the publication of this document, a Palestinian  
 18 claim or argument was raised that contradicts this  
 19 determination.  
 20 Q. Have you examined the intelligence data that  
 21 formed the basis of the information in this report by  
 22 the Israeli Ministry of Foreign Affairs?  
 23 A. No. No, because I've already stated that,  
 24 for the purposes of the presentation of this expert  
 25 opinion, no use has been made of intelligence material.

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1 Q. Are you saying that you have intelligence  
2 material related to Naef Abu Sharh and the June 19,  
3 2002, incident?  
4 A. I personally have no such information in  
5 my possession. But based on my familiarity with the  
6 work methods of the Foreign Ministry with respect to  
7 publications of this type, I am convinced that they  
8 would not have published this information if they had  
9 any substantive doubt with respect to its credibility.  
10 Q. Do you know who provided the information that  
11 forms the basis of the report about Naef Abu Sharh?  
12 A. (In English.) This?  
13 (Translated.) Are you referring to this  
14 paragraph that you just read?  
15 Q. Yes.  
16 A. Again, without going into details of our  
17 work methods of government ministries that I am not  
18 proficient in, I can assume, with no certainty, that  
19 information of this type was received by the Foreign  
20 Ministry from the Army, from the police, from the ISA.  
21 But, of course, with respect to the specific case, I  
22 don't know where the information came from.  
23 Q. So your opinion about --  
24 MR. YALOWITZ: I'm sorry. Can I just have  
25 the answer back? I apologize.

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1 be proper if we were at trial. And under the rules,  
2 the deposition is supposed to be conducted as if at  
3 trial.

4 I'll assume Mr. Yalowitz will now want to  
5 say something, and I'll let him say what he wants to  
6 say.

7 MR. YALOWITZ: Just please don't assume, by  
8 my silence, that I agree with anything you just said.

9 Q. BY MR. SATIN: Mr. Shrenzel --

10 A. What about my request?

11 Q. Say what you want to say.

12 A. I asked if it's possible to read or have read  
13 the last sentence that I stated or perhaps the last two  
14 sentences. And, parenthetically, I promise that, during  
15 the course of the break, I did not have any conversation  
16 in this respect with my counsel.

17 MR. SATIN: Sure.

18 (Record read as follows:

19 "ANSWER: Again, without going into details  
20 of our work methods of government ministries  
21 that I am not proficient in, I can assume, with  
22 no certainty, that information of this type was  
23 received by the Foreign Ministry from the Army,  
24 from the police, from the ISA. But, of course,  
25 with respect to the specific case, I don't know

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1 (Last answer read.)  
2 MR. YALOWITZ: "With no certainty?"  
3 OFFICIAL INTERPRETER NE'EMAN: "Without  
4 any certainty." He said: "I can assume without  
5 any certainty." That is, in fact, what he said.  
6 THE WITNESS: Because it's possible that  
7 there were other sources of information that were not  
8 brought to our attention at the time of the preparation  
9 of the report.  
10 MR. SATIN: Why don't we take a break.  
11 (Recess from 4:31 p.m. to 4:45 p.m.)  
12 MR. HILL: We're back on the record after  
13 a break. Right after the break commenced, there was  
14 a conversation between Mr. Yalowitz and the witness,  
15 in the presence of defense counsel, about the meaning  
16 of the prior question and answer that had occurred  
17 on the record.  
18 I just want to note our standing objection  
19 to substantive communications with the witness while  
20 under oath, even on a break. As I understand it,  
21 it's not permitted by the local court rules.  
22 And I would, again, request plaintiffs'  
23 counsel not have conversations with the witnesses  
24 about their substantive testimony during a break.  
25 I don't think it's proper. It certainly wouldn't

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1 where the information came from.")  
2 THE WITNESS: Okay. So I would like to  
3 clarify that I cannot indicate the specific source  
4 of the information that served the Ministry of Foreign  
5 Affairs. But I'm certain that it came from a source  
6 that's considered to be credible, such as the Army,  
7 the police, the ISA. Thank you.  
8 Q. BY MR. SATIN: Mr. Shrenzel, I want to direct  
9 your attention to page 57.  
10 A. (In English.) Fifty-seven. Okay.  
11 Q. On page 57 of the report, there is a claim  
12 that there had been financial assistance for the  
13 perpetrators of this attack by Arafat personally;  
14 correct? Top of page 57.  
15 A. Definitely. And this is of great importance.  
16 Q. The report cites a passage from a book;  
17 correct?  
18 A. Indeed.  
19 Q. The book is "Tested by Zion, The Bush  
20 Administration and the Israeli-Palestinian Conflict";  
21 correct?  
22 A. Indeed.  
23 Q. It was written by Elliot Abrams; correct?  
24 A. Indeed.  
25 Q. A member of the Bush administration?

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1 A. Correct.

2 Q. And the passage that you cite from the book

3 references intelligence; correct?

4 A. (In English.) I didn't follow the question.

5 Q. The passage in the report that comes from

6 the book makes mention of intelligence; correct?

7 A. (In English.) Aah, "makes mention of

8 intelligence." Yes.

9 (Translated.) Yes.

10 Q. Specifically the line is:

11 "There is new intelligence showing that

12 Arafat had approved the payment of \$20,000 to the

13 group."

14 Correct?

15 A. Indeed.

16 Q. Is this Israeli intelligence or United

17 States intelligence?

18 A. It's hard for me to determine that with

19 certainty. I assume that both of those things are true.

20 I think that they could be true.

21 According to Abrams' wording, it seems to

22 me that this refers to Israeli information that the

23 Americans were able to verify. But that's just my

24 assessment. I'll go the way Mr. Abrams went, insofar

25 as he did not cite the specific intelligence reports.

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1 himself from Arafat.

2 Q. So you don't know the source of the

3 intelligence, then; correct?

4 A. I don't know the exact source.

5 Q. I'm going to show you what will be marked

6 as Defense Exhibit 436.

7 (Defendants' Exhibit 436 marked.)

8 Q. BY MR. SATIN: I'm showing you what's been

9 marked as Defense Exhibit 436.

10 Defense 436 is the page from Abrams' book

11 that is cited in the report; correct?

12 A. Indeed.

13 Q. Did you read the entire book?

14 A. No.

15 Q. Have you read this page before?

16 A. Definitely.

17 Q. Who showed you just this page?

18 A. This page -- the team that was preparing it

19 had the page. But certainly, due to its importance,

20 I definitely read the entire relevant section.

21 Q. Okay. And according to the page in the book,

22 page 41, it states:

23 "New intelligence was received showing that

24 Arafat had authorized a \$20,000 payment to the group."

25 Correct?

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1 Q. Have you seen the intelligence?

2 A. I don't recall with certainty. But the

3 intelligence, if I didn't see it, it's possible that

4 it was brought to my attention or that I was aware

5 of it.

6 Q. So as you sit here today, you can't say one

7 way or the other whether you did see the intelligence?

8 (Comment in Hebrew by the witness.)

9 MR. YALOWITZ: It's too much. You have to

10 let her translate.

11 THE WITNESS: I could definitely say that

12 I was aware of it. I can't say that I saw one item

13 or three items. But I can definitely say that I was

14 aware, that I was aware of the fact during this period

15 of time that information of this sort existed.

16 Q. BY MR. SATIN: I'm going to show you what's

17 been marked as --

18 A. I'm even willing to say that, at that period,

19 during that period of time, I was on a mission abroad

20 and it's possible that I didn't see the information

21 itself. However, I certainly have knowledge of the

22 fact that such firm information did exist. And you

23 are certain -- you are certainly aware that that

24 information had a great deal to do with the decision

25 that was made by President Bush to disassociate

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1 A. (In English.) I'm lost a little bit. It's

2 quite dense, and my eyes -- you found it?

3 Q. It's in the first full paragraph about midway

4 through.

5 MR. YALOWITZ: With your permission, I can

6 direct the witness?

7 MR. SATIN: Sure.

8 THE WITNESS: (In English.) See, if I

9 wear the glasses. Without the glasses, it would be

10 difficult.

11 MR. YALOWITZ: Which sentence is it?

12 MR. SATIN: "Days later."

13 THE WITNESS: (In English.) Okay, "days

14 later." Okay.

15 Q. BY MR. SATIN: It doesn't say when the money

16 was given to the group; correct?

17 A. (In English.) In this paragraph of -- yes.

18 (Translated.) No, it doesn't explicitly

19 state here when the money was given.

20 Q. It doesn't say in the book what the money

21 was given to the group for; correct?

22 A. Indeed, it does not explicitly state that.

23 Q. And it doesn't say in the book that the money

24 was connected to this June 19, 2002, attack; correct?

25 A. (In English.) In the book, no.

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1 (Translated.) In the book, no. In the  
2 paragraph that I just read, it doesn't state any  
3 of that explicitly, in the sense that Abrams did  
4 not wish to expose all of the intelligence sources.  
5 But I think that it's definitely possible to rely  
6 upon his understanding in that he connected the  
7 terrorist attack with the transfer of the funds.  
8 The issue is too important and too sensitive  
9 to suspect that the link between the two things was  
10 not clear to the decision makers at the White House.  
11 Q. The book itself is not classified; correct?  
12 A. Indeed.  
13 Q. I can read that book?  
14 A. (In English.) Of course.  
15 Q. Not just that page. I can even read the  
16 whole book; right?  
17 A. (In English.) From cover to cover, yes.  
18 (Translated.) By the way, that's very much  
19 recommended, because there are a great many sections,  
20 apart from the sections that were cited here, that will  
21 address the omissions and the actions of the Palestinian  
22 Authority --  
23 Q. But you didn't read the whole book; right?  
24 A. (Translated.) -- and the weakness of the  
25 Palestinian Authority.

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1 Zinni for terrorist attacks and negative activities.  
2 Whereas, later on, and sometimes even that very same  
3 day, the responsibility of the Palestinians became  
4 evident.  
5 MR. YALOWITZ: May I make a request of the  
6 witness?  
7 MR. SATIN: No. I want to ask my next  
8 question.  
9 MR. YALOWITZ: Go ahead. Ask your question.  
10 Q. BY MR. SATIN: So now you've just repeated  
11 other parts of the book that I can read; correct?  
12 A. It's just a recommendation.  
13 Q. Thank you.  
14 Now I want to ask you about the January 29,  
15 2004, incident. You state on page 70 --  
16 A. (In English.) Page 70. Okay. One minute.  
17 Q. Under the section entitled "Additional  
18 Criminal and Hostile Activity - Background," it states:  
19 "Prior to being hired as a PA police officer,  
20 Hilmi Hamash was convicted and jailed repeatedly for  
21 throwing stones at Israelis on scores of occasions."  
22 Correct?  
23 A. Yes.  
24 Q. And you later state on page 73:  
25 "The Palestinian police took Hamash into

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1 (In English.) But as I said, I just --  
2 I looked at parts of it. For example --  
3 (Comment in Hebrew by the witness.)  
4 Q. BY MR. SATIN: I just asked you if you read  
5 the whole book.  
6 A. (In English.) The whole book? No.  
7 MR. YALOWITZ: Please don't interrupt the  
8 witness. Please.  
9 MR. SATIN: Please ask your witness, then,  
10 to answer my questions.  
11 THE WITNESS: (In English.) Okay.  
12 MR. YALOWITZ: You know what? Let's take  
13 a break. We're not going to bicker, and we're not  
14 going to badger the witness. And we shouldn't  
15 interrupt the witness.  
16 Do we need a break?  
17 MR. SATIN: No. Do you need a break?  
18 MR. YALOWITZ: Please continue, Mr. Shrenzel.  
19 THE WITNESS: What I'm saying is that I  
20 did not, in fact, read the book in its entirety. But  
21 I took a look at another few sections that dealt with  
22 the conduct of the Palestinian Authority, for example,  
23 everything that pertained to the Zinni list, with  
24 respect to which, for example -- just very briefly,  
25 for example, how Arafat would deny responsibility to

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1 its ranks, although it knew of his violent past, both  
2 in the terror sphere and in the criminal sphere."  
3 See that?  
4 A. Indeed.  
5 Q. Is this referring to Hilmi Hamash's being  
6 jailed for throwing stones at Israelis?  
7 A. It's certainly possible that I did not  
8 attribute such decisive importance to the nature of  
9 the offenses, but in principle.  
10 Q. Would you agree that there are no alleged  
11 crimes attributed to Hilmi Hamash in the report other  
12 than the throwing of stones and the driving of an  
13 unlicensed and uninsured vehicle?  
14 A. Yes. I wish to explain.  
15 The fact that a person sat in Israeli prison  
16 several times, based on my understanding, required that  
17 the Palestinian Authority engage in a greater prudence  
18 prior to employing him. For example, sitting in  
19 prison could amplify the feelings of revenge, strong  
20 anti-Israeli indoctrination that frequently occurs  
21 in prison. Therefore, the very fact that he had sat  
22 in prison should have, at the very least, raised a  
23 yellow light of caution.  
24 Although I certainly agree that the throwing  
25 of stones, although it is sometimes fatal, is, of

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1 course, a less serious offense than murder, shooting,  
2 et cetera.  
3 Q. Now, Mr. Shrenzel, you'd agree that the vast  
4 majority of Palestinians were not involved in terror  
5 acts during the Second Intifada; correct?  
6 A. How do you define "involvement"?  
7 Q. Well, would you agree that the vast majority  
8 of Palestinians did not commit crimes against the State  
9 of Israel during the Second Intifada?  
10 A. Yes, statistically, that's correct, of course.  
11 We're talking about children. We're talking about  
12 women.  
13 But it would be worthwhile to emphasize  
14 that, when we're analyzing the big picture, a  
15 not-inconsiderable portion -- perhaps it's not a  
16 majority, but a not-inconsiderable portion of male  
17 Palestinians of appropriate ages were, in fact,  
18 involved in activity, some activity of some kind.  
19 Q. As part of your work in this case, did you  
20 speak to the families of the alleged perpetrators?  
21 A. (In English.) The perpetrators?  
22 (Brief exchange in Hebrew between Official  
23 Interpreter Ne'eman and the witness.)  
24 THE WITNESS: No.  
25 Q. BY MR. SATIN: Did you speak to the friends

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1 that we can add as a contributory factor. When a  
2 person knows that, if he sits in Israeli prisons,  
3 there will be people who will take care of his family  
4 and there will be people who will employ every effort,  
5 including terrorist activity, in order to obtain his  
6 release --  
7 Q. The report --  
8 A. -- those facts are an element that aids  
9 and abets. It's not the direct cause.  
10 Q. The report, you'd agree, does not present  
11 any evidence that the alleged accomplices in these  
12 cases did it in order to receive prison payments;  
13 correct?  
14 A. No, and I certainly don't maintain so.  
15 That was not their primary objective.  
16 MR. SATIN: Okay. Why don't we take a  
17 break now.  
18 (Recess from 5:12 p.m. to 5:19 p.m.)  
19 MR. SATIN: Mr. Shrenzel, I have no more  
20 questions for you at this time.  
21 MR. YALOWITZ: We're done.  
22 (The deposition concluded at 5:20 p.m.)  
23  
24  
25

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1 of the alleged perpetrators?  
2 A. No.  
3 Q. You can't say that the alleged perpetrators  
4 committed their alleged crimes in order to receive  
5 martyrs payments; correct?  
6 A. Are you referring to those who died, were  
7 killed during the course of their activity?  
8 Q. Correct.  
9 A. They certainly didn't do so in order for  
10 the families to receive the money. Their motivation  
11 was, first and foremost, hatred, terror.  
12 Sometimes we certainly have testimony that  
13 the fact that they knew that if they, in fact, would  
14 be killed, their family would receive both money and  
15 status, let's say that it contributed to the fact that  
16 they were willing to go wholeheartedly to perpetrate  
17 the attacks.  
18 Q. You don't have any evidence that the alleged  
19 suicide attackers in these cases did it for the purpose  
20 of getting martyrs payments to their families; correct?  
21 A. No, and it's certainly not logical.  
22 Q. And you can't say that any of the alleged  
23 accomplices in these incidents did it in order to get  
24 prison payments; correct?  
25 A. No. But, again, that's the kind of thing

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1 CERTIFICATE OF REPORTER  
2  
3 I, AMY R. KATZ, RPR, do hereby certify:  
4 That, prior to being examined, the witness  
5 named in the foregoing deposition was duly affirmed by  
6 me to testify the truth, the whole truth, and nothing  
7 but the truth;  
8 That the foregoing deposition was taken before  
9 me at the time and place herein set forth, at which time  
10 the aforesaid proceedings were stenographically recorded  
11 by me and thereafter transcribed by me;  
12 That the foregoing transcript, as typed, is a  
13 true record of the said proceedings;  
14 And I further certify that I am not interested  
15 in the action.  
16  
17 Dated this 22nd day of December, 2013.  
18  
19 \_\_\_\_\_  
20 AMY R. KATZ, RPR  
21  
22  
23  
24  
25

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1 CERTIFICATE OF WITNESS/DEPONENT  
2  
3 I, ISRAEL SHRENZEL, witness herein, do  
4 hereby certify and declare the within and foregoing  
5 transcription to be my examination under oath in said  
6 action taken on October 23, 2013, with the exception  
7 of the changes listed on the errata sheet, if any;  
8 That I have read, corrected, and do hereby  
9 affix my signature under penalty of perjury to said  
10 examination under oath.  
11  
12  
13  
14  
15 \_\_\_\_\_  
16 ISRAEL SHRENZEL, Witness Date  
17  
18  
19  
20  
21  
22  
23  
24  
25

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1 ERRATA SHEET  
2 Case: MARK I. SOKOLOW, et al. vs. THE PALESTINE  
3 LIBERATION ORGANIZATION, et al.  
4 Date: OCTOBER 23, 2013  
5 Witness: ISRAEL SHRENZEL  
6  
7 Page \_\_\_\_ Line \_\_\_\_ Change \_\_\_\_  
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22 Reason \_\_\_\_  
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24 \_\_\_\_\_  
25 ISRAEL SHRENZEL, Witness Date

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